

**ADDENDUM  
TO THE SAN JOSE DOWNTOWN STRATEGY 2000 FINAL  
ENVIRONMENTAL IMPACT REPORT (SCH # 2003042127), THE  
DIRIDON STATION AREA PLAN FINAL ENVIRONMENTAL IMPACT  
REPORT (SCH# 2011092022), AND THE ENVISION SAN JOSE 2040  
GENERAL PLAN SUPPLEMENTAL ENVIRONMENTAL IMPACT  
REPORT (SCH# 2009072096)**

Pursuant to Section 15164 of the CEQA Guidelines, the City of San Jose has prepared an Addendum to the San Jose Downtown Strategy 2000 Final Environmental Impact Report (Downtown Strategy 2000 FEIR), the Diridon Station Area Plan Final Environmental Impact Report (DSAP FEIR), and the Envision San Jose 2040 General Plan Supplemental Environmental Impact Report (Envision 2040 SEIR) because minor changes made to the project, as described below, do not raise important new issues about the significant impacts on the environment.

**PDC15-010 – Stockton Avenue Mixed Use Development.** Planned Development Zoning from CG Commercial General Zoning District to A(PD) Planned Development Zoning District to allow the demolition of two existing on-site buildings designated as Structures of Merit on the City's Historic Resources Inventory and the development of a 7-story building with up to 164 multi-family residential units and 37,500 square feet of commercial space on a 1.72 gross acre site. **Location:** 120 – 138 Stockton Avenue, on the northeast side of Stockton Avenue, approximately 300 feet north of W. Santa Clara Street/The Alameda (APN 259-28-003, -004, and -005).

Council District: 3.

The environmental impacts of this project were addressed by the Downtown Strategy 2000 FEIR, adopted by City Council Resolution No. 72767 on June 21, 2005; the DSAP FEIR, adopted by City Council Resolution No. 77096 on June 17, 2014; and the Envision 2040 SEIR, adopted by City Council Resolution 77617 on December 15, 2015. The proposed project is eligible for an addendum pursuant to CEQA Guidelines §15164, which states that “A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines §15162 calling for preparation of a subsequent EIR have occurred.” Circumstances which would warrant a subsequent EIR include substantial changes in the project or new information of substantial importance which would require major revisions of the previous EIR due to the occurrence of new significant impacts and/or a substantial increase in the severity of previously identified significant effects.

The following impacts were reviewed and found to be adequately considered by the Downtown Strategy 2000 FEIR, DSAP FEIR, and Envision 2040 SEIR:

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Traffic and Circulation | <input checked="" type="checkbox"/> Soils and Geology        | <input checked="" type="checkbox"/> Noise                       |
| <input checked="" type="checkbox"/> Cultural Resources      | <input checked="" type="checkbox"/> Hazardous Materials      | <input checked="" type="checkbox"/> Land Use                    |
| <input checked="" type="checkbox"/> Urban Services          | <input checked="" type="checkbox"/> Biotic Resources         | <input checked="" type="checkbox"/> Air Quality                 |
| <input checked="" type="checkbox"/> Aesthetics              | <input checked="" type="checkbox"/> Airport Considerations   | <input checked="" type="checkbox"/> Microclimate                |
| <input checked="" type="checkbox"/> Energy                  | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Construction Period Impacts |
| <input checked="" type="checkbox"/> Water Quality           | <input checked="" type="checkbox"/> Utilities                | <input checked="" type="checkbox"/> Facilities and Services     |

## ANALYSIS

The amount of residential and commercial development proposed for the site was included and analyzed in the Strategy 2000 FEIR, DSAP FEIR, and Envision 2040 SEIR at a program level.

The Downtown Strategy 2000 FEIR is a broad range, program-level environmental document, which analyzed the following level of development in the Greater Downtown Core Area during the planning horizon of Strategy 2000:

- 8,000,000 to 10,000,000 square feet of office space;
- 8,000 to 10,000 residential dwelling units;
- 900,000 to 1,200,000 square feet of retail space; and
- 2,000 to 2,500 guest rooms of hotel space, in four to five hotel projects.

In 2014, the City adopted the Diridon Station Area Plan (DSAP) and certified the DSAP FEIR. The DSAP further refined the development capacities in the Downtown Strategy 2000 FEIR within the DSAP Plan Area by specifying maximum development capacities in three Plan sub-areas: the Northern Zone (Innovation District), the Central Zone (Destination Diridon), and the Southern Zone (Diridon Neighborhoods). The project site is located within the Northern Zone, which has a maximum development capacity of 3,012,400 square feet of office/research & development/light industrial uses, 81,000 square feet of retail and restaurant uses, and up to 223 residential units. The project proposes up to 164 residential units and up to 37,500 square feet of commercial space (which could be used for future retail, restaurant, or office uses), which is well within the development capacities for the Northern Zone analyzed in the DSAP FEIR.

In December 2015, the City Council re-adopted the City's Greenhouse Gas Reduction Strategy and certified the Envision 2040 SEIR. The SEIR analyzed the City's greenhouse gas emissions under the Envision San Jose 2040 General Plan.

The attached Initial Study evaluates the project-specific environmental impacts that were not addressed in the three previously certified EIRs.

The Initial Study concluded that the proposed project would not result in any new impacts not previously disclosed in the Downtown Strategy 2000 FEIR, DSAP FEIR and Envision 2040 SEIR. The project will not result in a substantial increase in the magnitude of any significant environmental impact previously identified in the EIRs. For these reasons, a supplemental or subsequent EIR is not required and an addendum to Downtown Strategy 2000 FEIR, DSAP FEIR, and Envision 2040 SEIR has been prepared for the proposed project.

This addendum will not be circulated for public review, but will be attached to the Strategy 2000 FEIR, the DSAP FEIR, and Envision 2040 SEIR pursuant to CEQA Guidelines §15164(c). The attached Initial Study (Attachment 1) provides background on the project description, specific project impacts, and the relationship between previous mitigation measures and the revised project.

David Keyon  
Environmental Project Manager

Harry Freitas, Director  
Planning, Building and Code Enforcement

1/11/2016  
Date

Meenaxi R.P.  
Deputy

**Attachment:** 1) Draft Initial Study, dated January 2016.

**ADDENDUM TO THE  
DOWNTOWN STRATEGY 2000  
&  
DIRIDON STATION AREA PLAN  
FINAL ENVIRONMENTAL IMPACT REPORTS**

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**STOCKTON AVENUE  
MIXED USE DEVELOPMENT  
City File No: PDC15-010**

**CITY OF SAN JOSÉ  
CALIFORNIA**

**January 2016**



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- A. Air Quality Assessment
- B. Historical Evaluation
- C. Phase I Assessment
- D. Noise Assessment
- E. Traffic Study

# Chapter 1. Background Information

## PROJECT DATA

1. **Project Title:** Stockton Avenue Mixed Use Development
2. **Lead Agency Name and Address:** City of San José Planning, Building and Code Enforcement, 200 E. Santa Clara Street, San José, CA 95113
3. **Project Proponent:** Daniel Hudson, The Hudson Companies, 1510 South Bascom Avenue, #7, Campbell, CA 95008 [dhudson@hudcorp.net](mailto:dhudson@hudcorp.net)
4. **Project Location:** The project is located on a 1.72 gross acre project site on the northeast side of Stockton Avenue approximately 300 feet north of Santa Clara Street (106-138 Stockton Avenue). Santa Clara County APNs 259-003, -004, and -005.
5. **Council District:** 3
6. **Project Description Summary:** The project is the application for a Planned Development (PD) Zoning to allow the demolition of existing buildings on the site and development of up to 164 multi-family residential units (apartments) and 37,500 square feet of commercial space in a seven-story building.
7. **General Plan and Zoning Designations:** General Plan - Transit Center Employment, Urban Village; Zoning – CG Commercial General
8. **Habitat Conservation Plan:** Urban Suburban

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## Chapter 2. Project Description

### INTRODUCTION

The project is a Planned Development Rezoning from Commercial General (CG) Zoning District to A(PD) Planned Development Zoning District to allow for the development of up to 164 multi-family residential units (apartments) and 37,500 square feet of commercial space. The project site is located within the boundaries of the Downtown Strategy Plan and Diridon Station Area Plan. The project, thus, relies on the CEQA documentation prepared for the two plans as described further below.

#### *Downtown Strategy Plan*

The project site is located within the boundaries of the Strategy 2000: San José Greater Downtown Strategy for Development (Downtown Strategy Plan). The Downtown Strategy Plan 2000 provides a long-range conceptual program for redeveloping and revitalizing the traditional Downtown by allowing higher density infill development and replacement of underutilized uses. The amount of future development anticipated in the expanded Greater Downtown Core Area is as follows:

- 8,000,000 to 10,000,000 square feet of office space
- 8,000 to 10,000 residential dwelling units
- 900,000 to 1,200,000 square feet of retail space; and
- 2,000 to 2,500 guest rooms of hotel space, in four to five hotel projects

The Downtown Strategy Plan 2000 is an update of the San José Downtown Strategy Plan 2010 adopted by the San José City Council and the Redevelopment Agency Board on December 15, 1992 under Resolution Number 64283. The original FEIR was approved by the San José City Council under Resolution Number 68839 on April 27, 1999. The updated FEIR for the Downtown Strategy Plan was certified under Resolution Number 72767 on June 21, 2005 (SCH number 2003042127).

#### *Diridon Station Area Plan*

The project site is also located within the boundaries of the Diridon Station Area Plan (DSAP). The DSAP encompasses approximately 250 acres within and adjacent to Downtown San José. The DSAP consists of a conceptual plan for expansion of the Diridon transit station in anticipation of the future BART and High Speed Rail (HSR) service and sets forth maximum development capacities for residential, commercial, hotel, and retail uses within the plan boundaries. The DSAP is divided into three Identify Zones: the Northern, Central and Southern Zones. The project site is located within the Northern Zone, which has the following maximum development capacities:

- 3,012,400 square feet of office/R&D/light industrial
- 81,100 square feet of retail/restaurant
- 223 residential units

The proposed development capacity in the DSAP represents a subset of the growth anticipated in the City's 2040 General Plan. The environmental review conducted for the DSAP, thus, tiered off the Envision San José 2040 Program Environmental Impact Report (Envision PEIR). The entire DSAP area is designated as an Urban Village and identifies implementing strategies and actions to guide redevelopment of the Diridon Station Area Urban Village. The strategies and guidelines in the DSAP are intended to support transit ridership and economic development, improve pedestrian, bicycle, and transit connectivity,

provide a range of development opportunities, provide for high quality design, and generally ensure the continued vitality of the San José Arena, Diridon Station, and nearby downtown areas.

The Final Environmental Impact Report (FEIR) for the DSAP was certified by the San José City Council under Resolution Number 77096 on June 17, 2014 (SCH number 2011092022).

### *EIR Addendum*

The proposed project is eligible for an Addendum to the Downtown Strategy and DSAP FEIRs pursuant to CEQA Guidelines §15164, which states that “A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in §15162 calling for preparation of a subsequent EIR have occurred.”

CEQA Guidelines §15162 establishes the following criteria for the preparation of a Supplemental EIR. None of these criteria may be met if an addendum is to be prepared.

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The City must consider this addendum, along with the two above described certified FEIRs, prior to making a decision on the project addressed herein; however, the addendum does not need to be circulated for public review (CEQA §15164). Based on the analysis contained herein, it is concluded that the Downtown Strategy FEIR and DSAP FEIR adequately address the environmental effects of the proposed project with supplemental evaluation contained herein, and the project would not result in significant environmental effects that are not already identified in the two FEIRs. The project, therefore, meets the eligibility requirements for preparation of an addendum and does not require a supplemental EIR or Negative Declaration.

## PROJECT LOCATION

The approximately 1.72 gross acre project site is located on the northeast side of Stockton Avenue, approximately 300 feet north of W. Santa Clara Street in downtown San José (refer to Figure 1). The property is located on Santa Clara County Assessor Parcel Numbers (APNs) 259-28-003, -004, -005 (see Figure 2). The site is currently occupied by two industrial buildings and paved parking areas.

Surrounding land uses include commercial/industrial uses to the north and south, commercial uses (Whole Foods) to the west, and the SAP Center (or San José Arena) parking lot to the east. An aerial showing the project site and surrounding area is presented in Figure 3.

### *Zoning and General Plan Land Use Designation*

The property is currently zoned CG General Commercial and has a General Plan Land Use Transportation Diagram designation of Urban Village. Per the Municipal Code, the CG General Commercial zone district is intended for to serve the needs of the general population and allows for a full range of retail and commercial uses with a local or regional market. The Urban Village General Plan Land Use designation is intended to accommodate higher density housing growth along with a significant amount of job growth while supporting a wide variety of commercial, residential, institutional, or other land uses with an emphasis on establishing an attractive urban form.

## PROJECT DESCRIPTION

The project is the application for a Planned Development Zoning from Commercial General (CG) Zoning District to A(PD) Planned Development Zoning District to allow the demolition of existing buildings and development of up to 164 multi-family residential units (apartments) and 37,500 square feet of commercial space in a seven-story building with two levels of podium parking. The project is proposed in a single approximately 195,000 square foot building.

A conceptual site plan of the project is presented in Figure 4. The apartments will be located in five stories above two stories of podium parking (accessed at grade) and commercial space. A conceptual breakdown of the proposed apartment units is provided below, though the apartment composition in the final building design may vary slightly. The proposed apartment component includes amenities such as two courtyards, a deck with lap pool, and community gathering area.

Studios:	18
1-Bedroom:	70
2-Bedroom:	63
<u>3-Bedroom:</u>	<u>13</u>
Total Units	164

The proposed 37,500 square feet of commercial space will be located on the first two floors of the building fronting Stockton Avenue. A conceptual building section is presented in Figure 5, which shows the relation of the commercial space, residential areas, and parking garage within the building. Floor plans are provided in Figure 6. The proposed building height is 85 feet (rooftop) to 102 feet (with parapet) as shown in Figure 6. Renderings showing the proposed building (west and east elevations) are shown in Figure 7.

Access will be provided via one 26-foot driveway off Stockton Avenue, which will access the proposed parking garage. A total of 74 parking spaces are proposed for the commercial uses and 164 spaces for the residential uses. Development of the project will require the grading of about 3,500 cubic yards of

material. The project includes the provision of services and utilities to serve the proposed uses, including storm drainage, water, and wastewater disposal. A storm water control plan for the project is presented in Figure 8. Proposed public improvements consist of removing the existing curb, gutter, and sidewalk and replacing them with new curb, gutter, and a 20-foot wide sidewalk with tree wells. Landscaping is proposed along the site's perimeter and within the proposed courtyards, as illustrated in Figure 9. In addition, several street trees will be planted along Stockton Avenue.

## **PROJECT SCHEDULE**

Construction of the project is anticipated to begin in early 2016 and take approximately 18 months to complete.

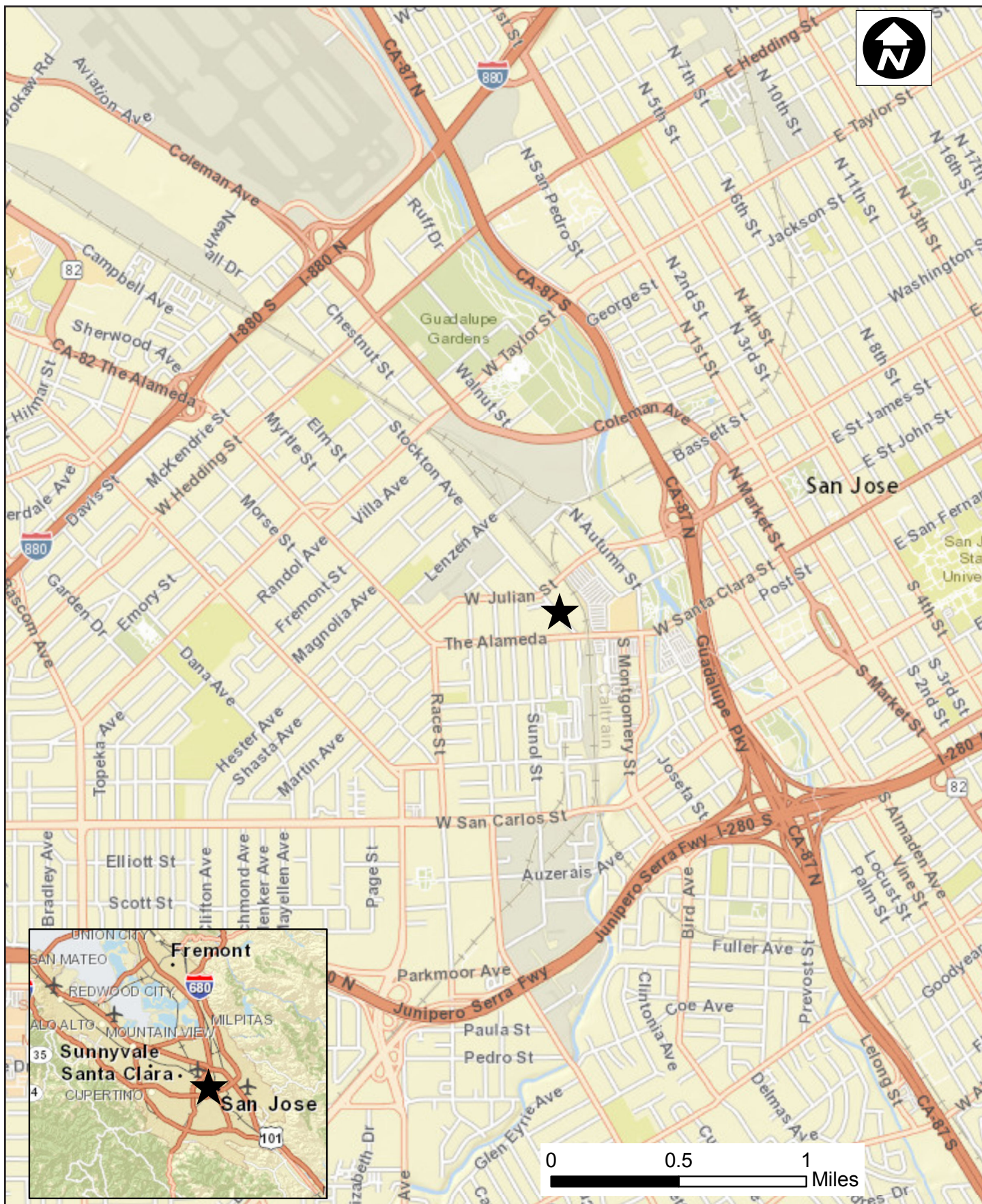
## **PROJECT OBJECTIVES**

The basic objectives of the project are to provide high density residential uses and community-serving commercial uses consistent with and in support of the Diridon Station Area Plan.

## **PROJECT APPROVALS**

The project will require the following approvals:

- City of San José – Environmental Clearance, Planned Development Zoning, Planned Development Permit, Demolition Permit, Grading Permits, and Building Permits.



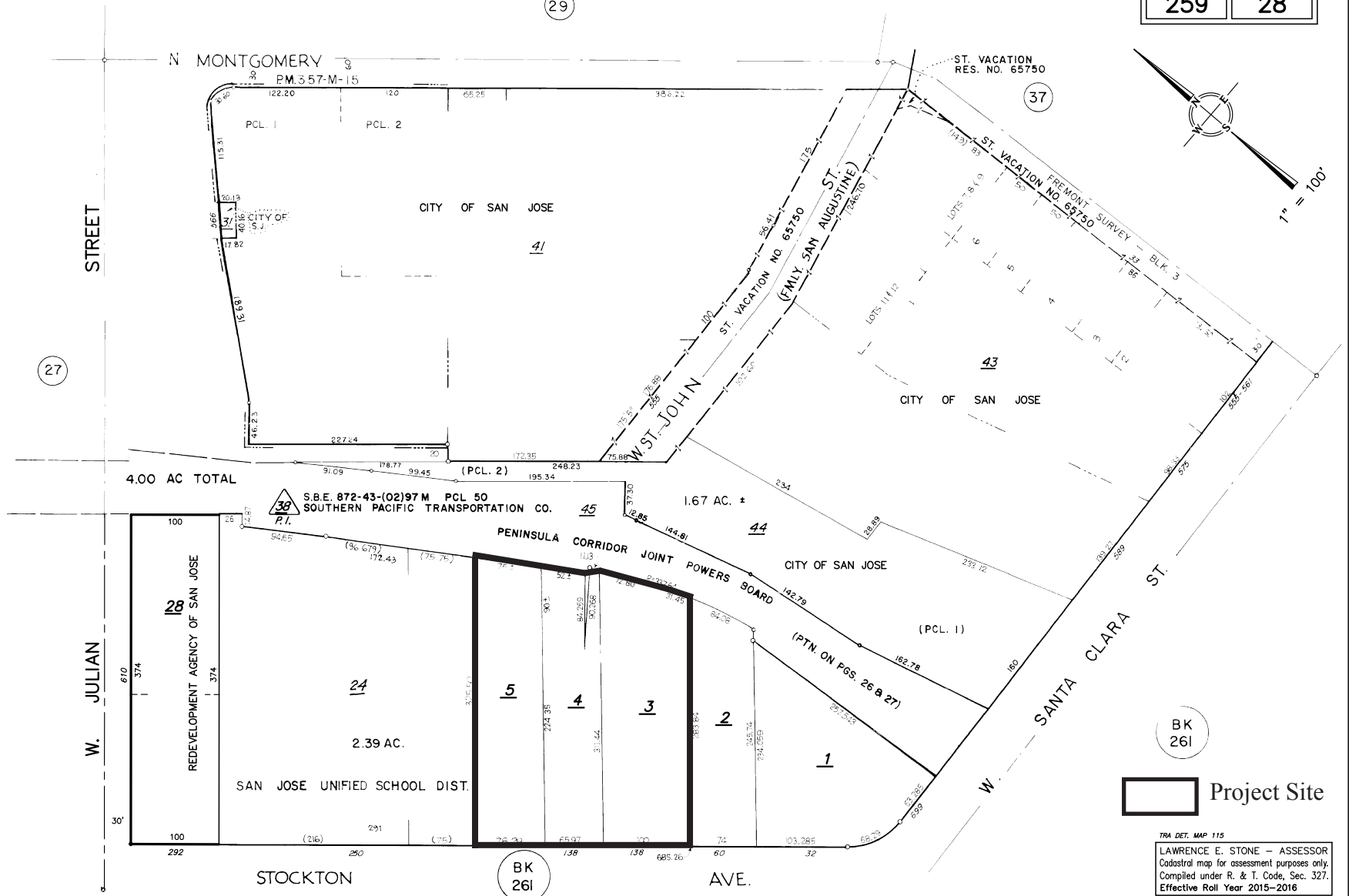
Location Map

Figure  
1

Stockton Avenue  
Initial Study

29

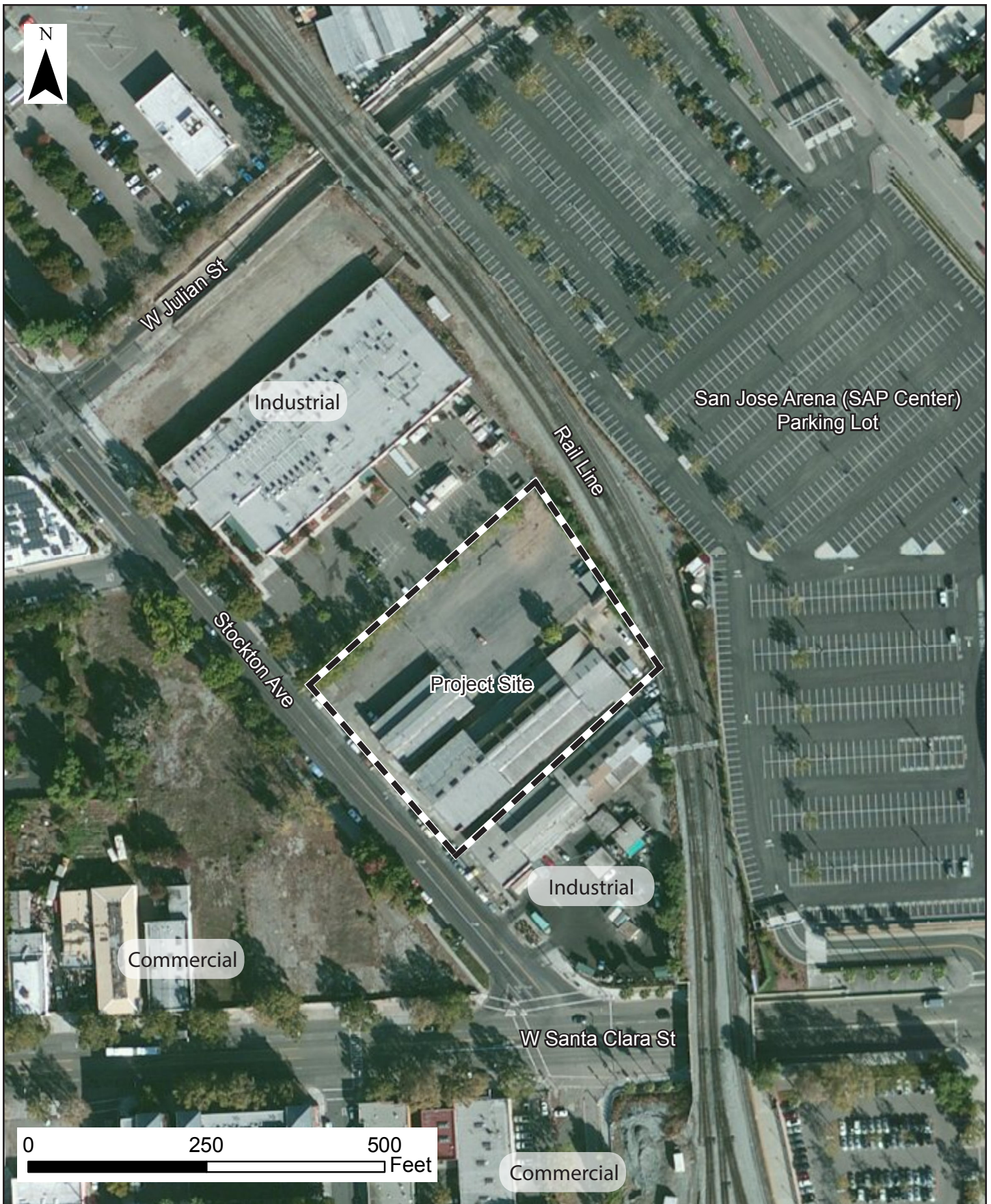
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APN Map

Stockton Avenue  
Initial Study

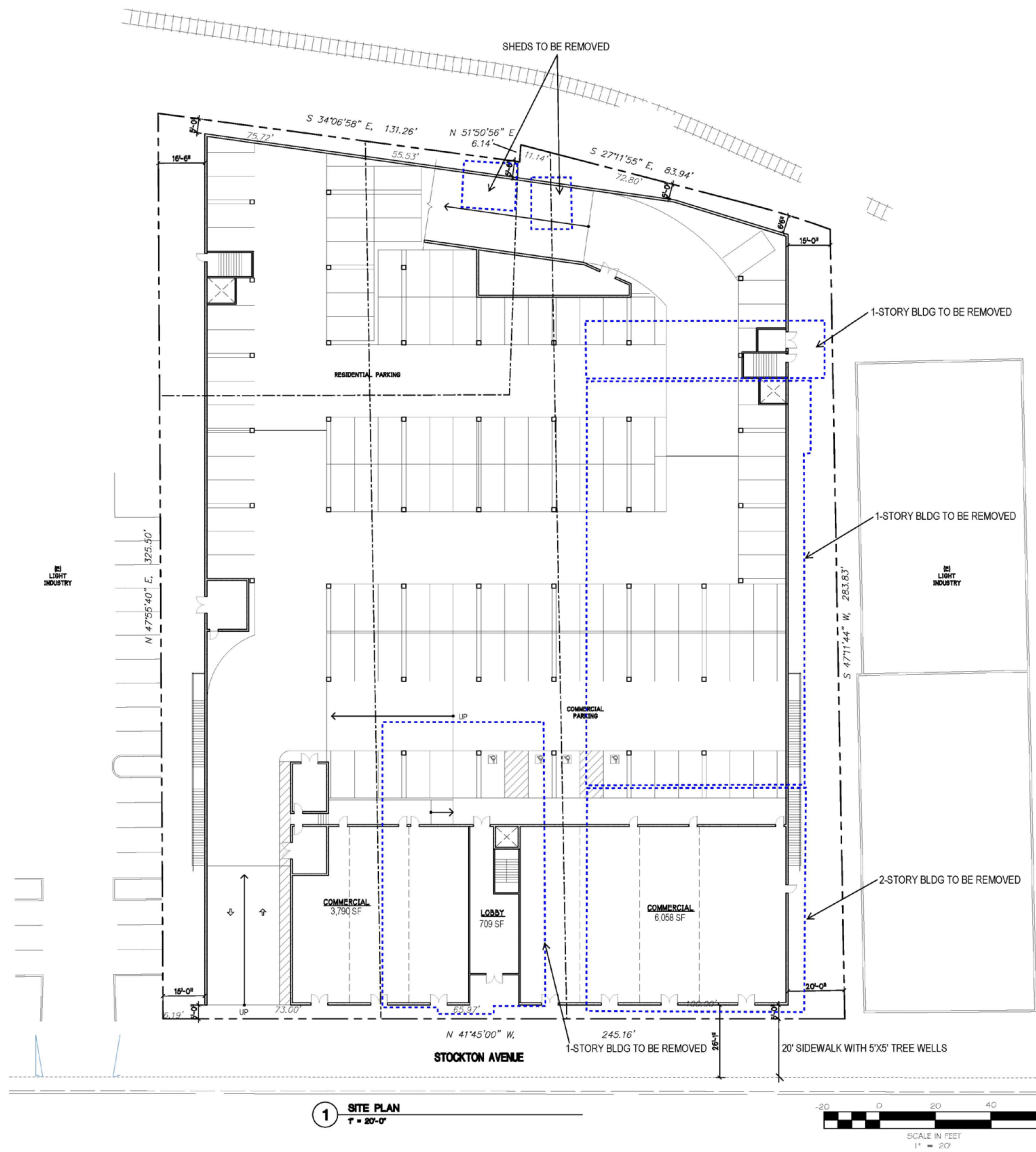
Figure  
**2**



Aerial

Stockton Avenue  
Initial Study

Figure  
3



Site Area = 172 ac

PROPOSED F.A.R.= 4.91

Density = 164 du / 1.72 ac = 95.3 du/ac

#### RESIDENTIAL UNIT MIX:

8% (13) Studio @ 624 sf  
 51% (67) 1BR @ 736 sf  
 49% (80) 2BR @ 1068 sf  
 2% (4) 3BR @ 1,700 sf  
 (164) Total Units

Common Space per unit = Min. 100sqft

Private Space per unit = Min. 60sqft

#### Residential Parking provided:

1/F = 52 gated

2/F = 112 gated

Total Parking Provided = 164 cars

Motorcycle & Bicycle Provided =  $\frac{1}{4}$  per du

#### COMMERCIAL:

1/F = 10,557 sf

2/F = 18,711 sf

3/F = 8232 sf

Total Commercial = 37,500 sf gross

Parking Provided = 75 cars

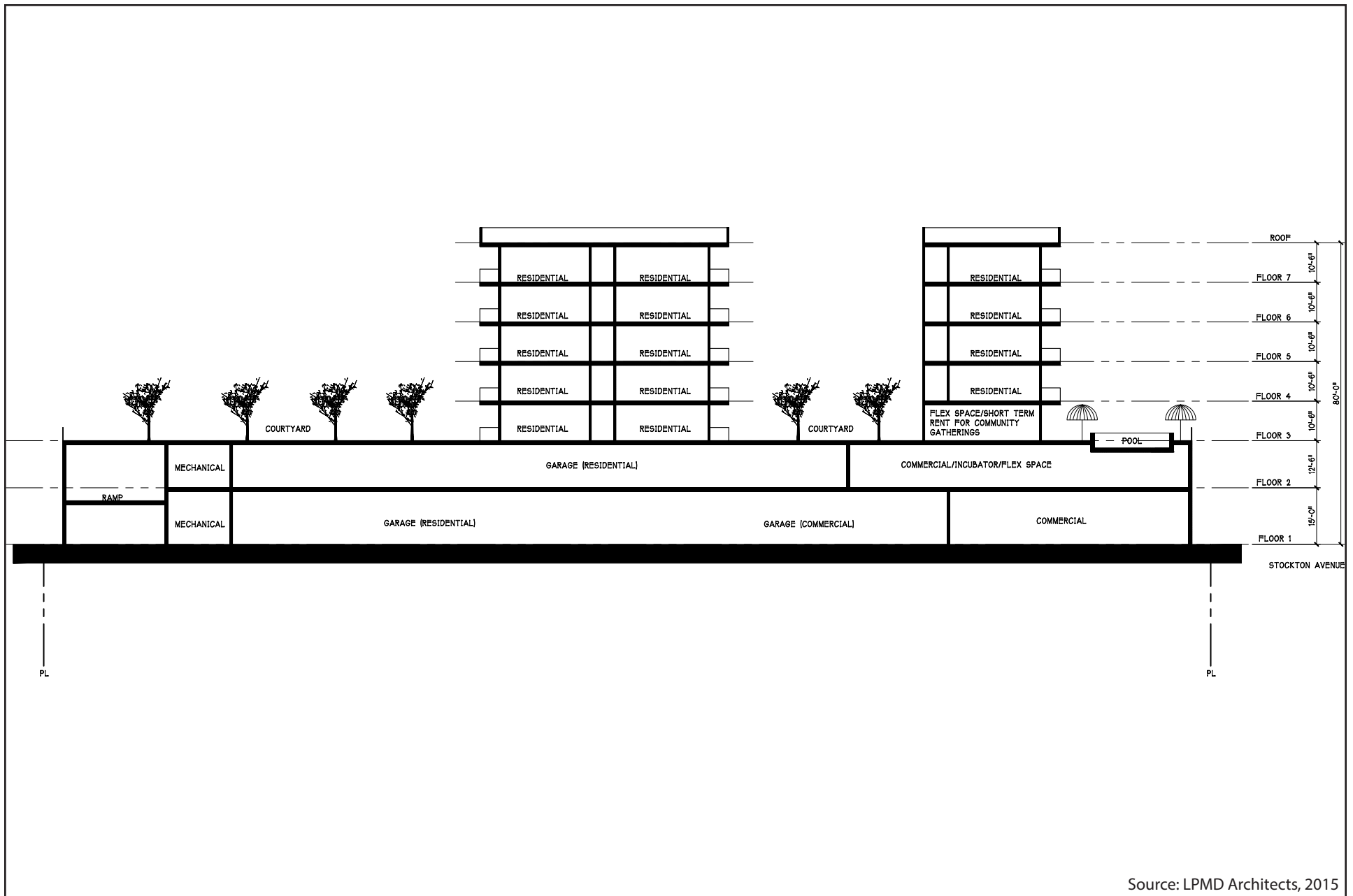
Source: LPMD Architects, 2015

## Conceptual Site Plan

Stockton Avenue  
Initial Study

Figure

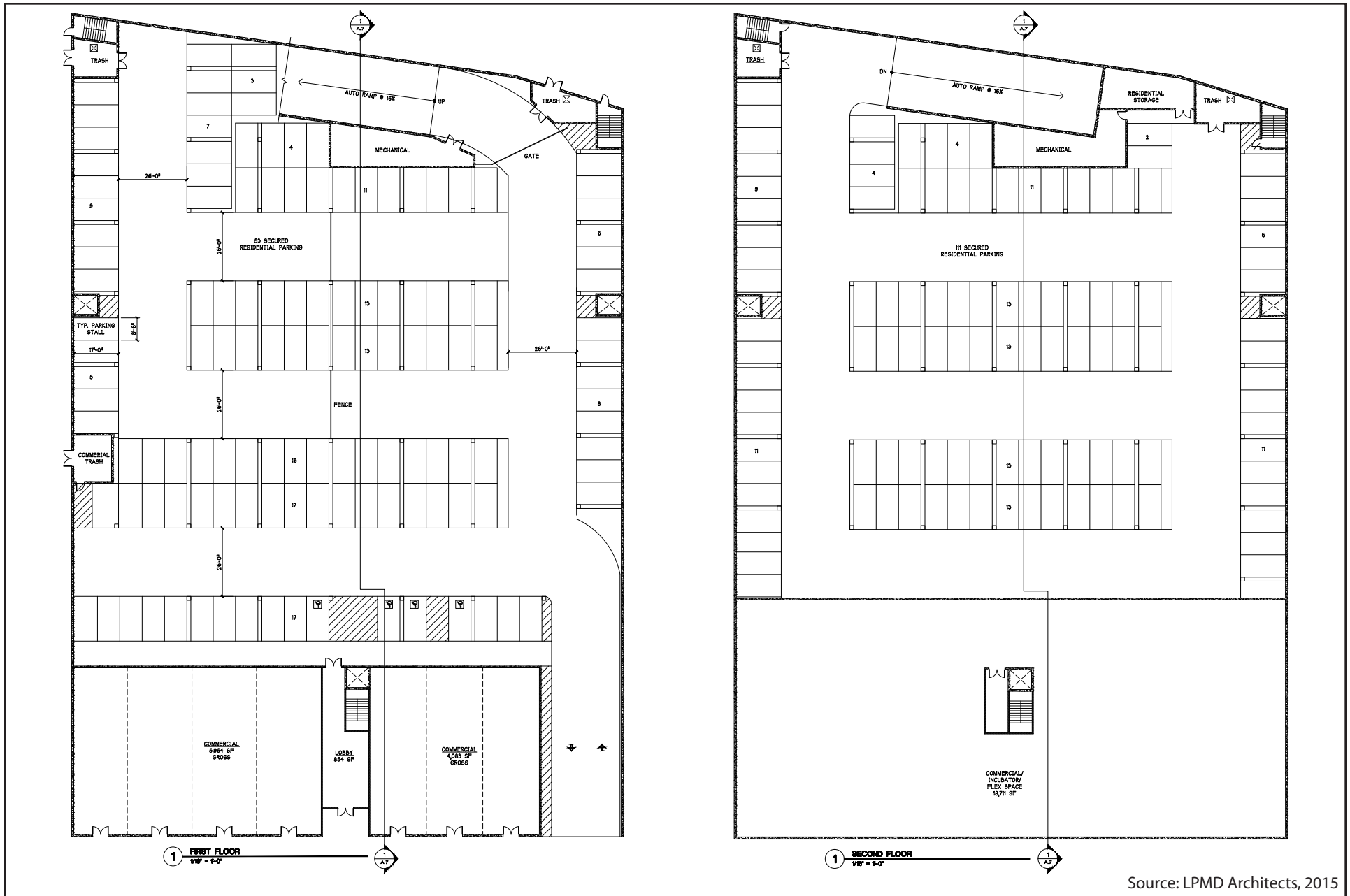
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Conceptual Building Section

Stockton Avenue  
Initial Study

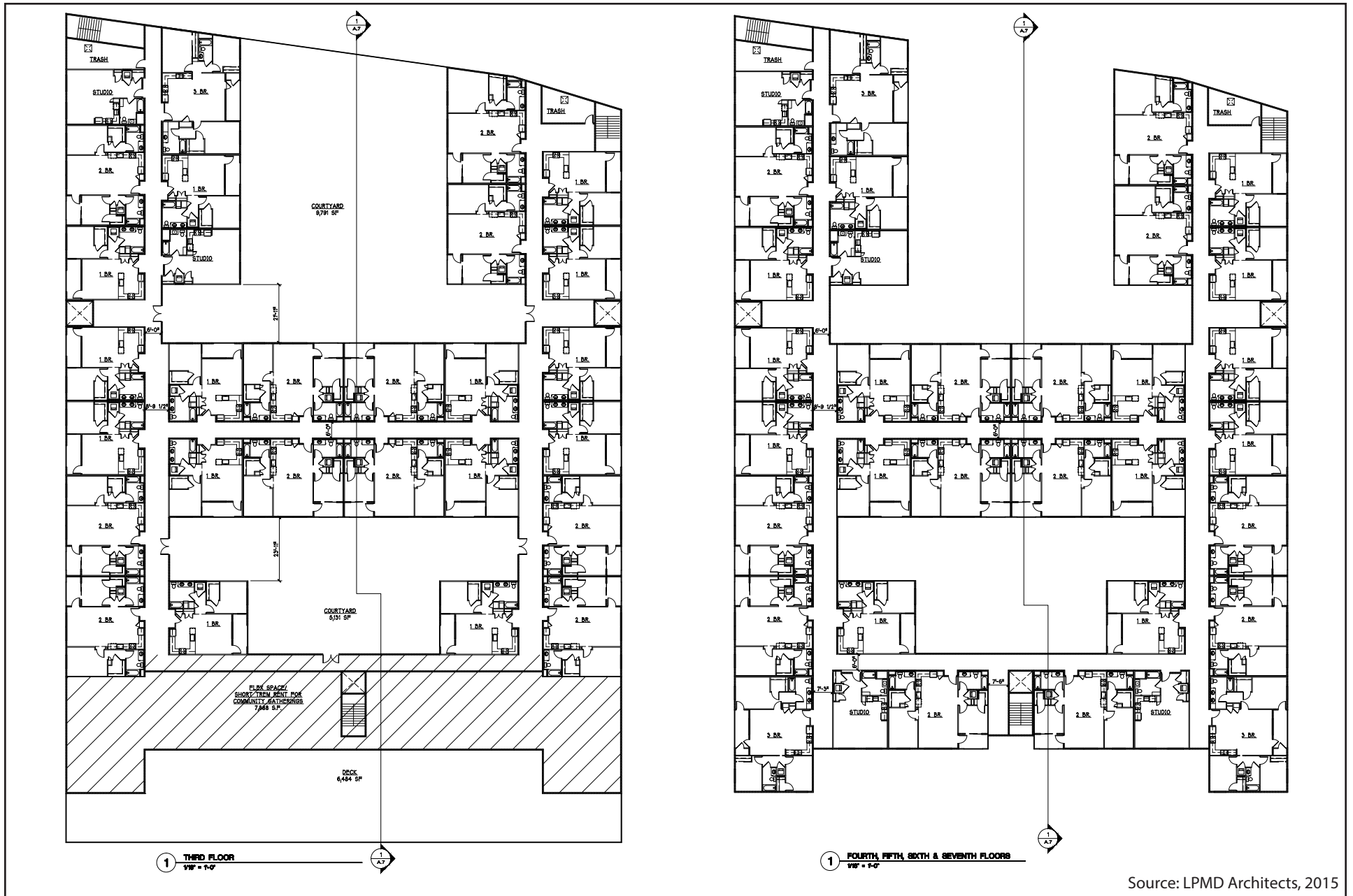
Figure  
5



# Conceptual Floor Plans

Stockton Avenue  
Initial Study

Figure  
6a



# Conceptual Floor Plans



Front elevation (Stockton Avenue view)



Garage screen elevation (east side view)

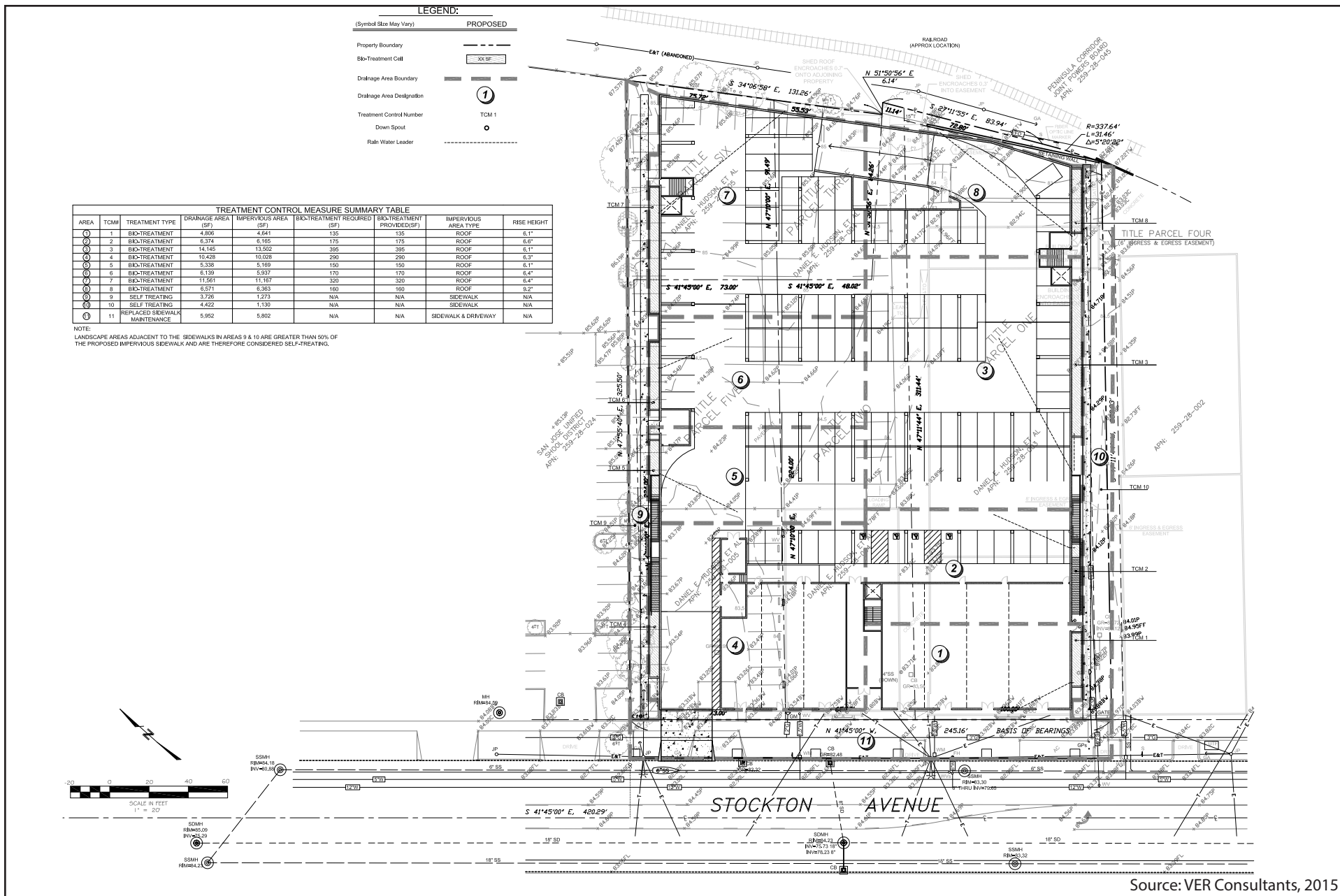
Source: LPMD Architects, 2015

## Elevations

Stockton Avenue  
Initial Study

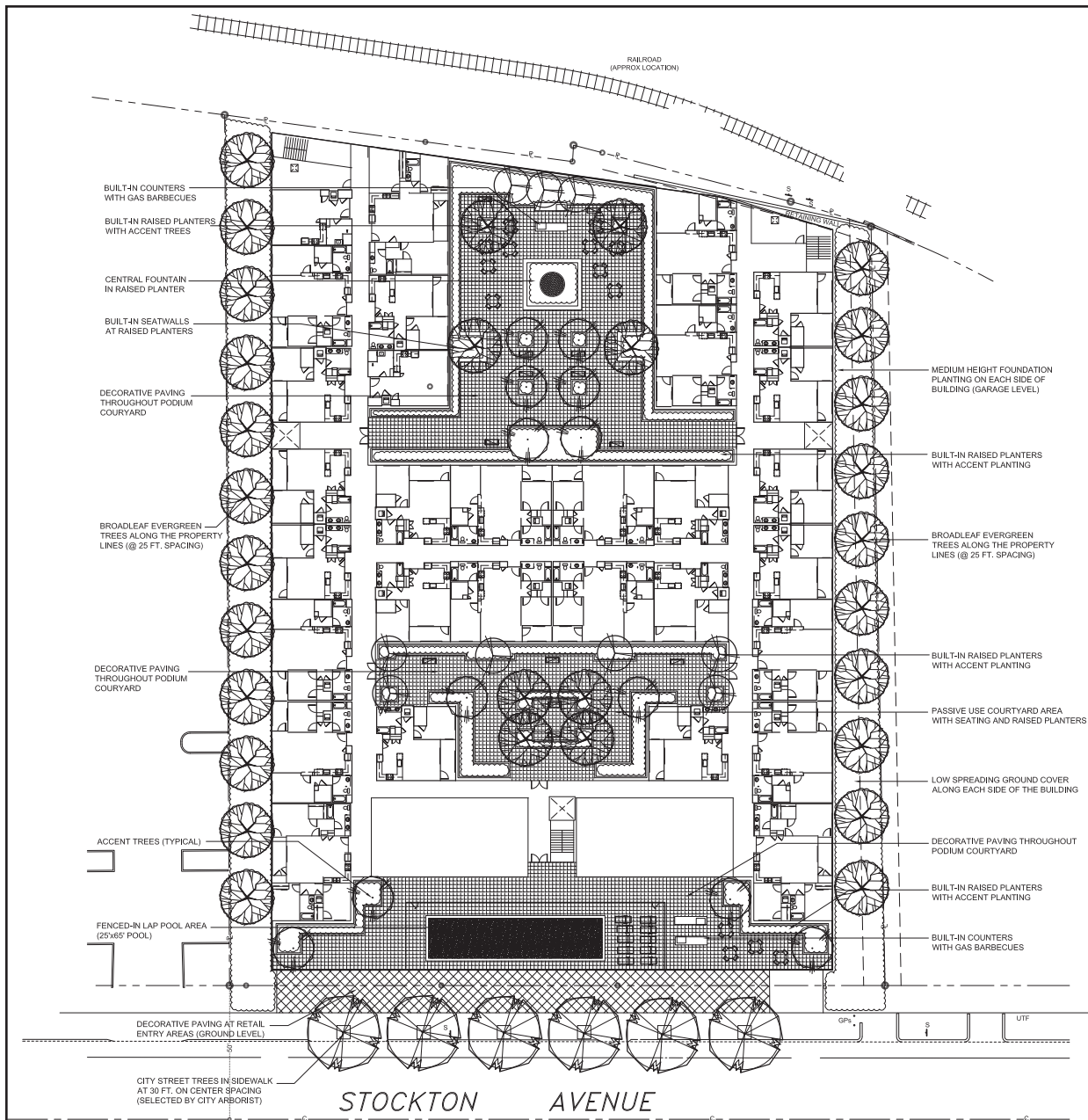
Figure

7



Source: VER Consultants, 2015

# Storm Water Control Plan



## PRELIMINARY PLANT LIST:

### TREES:

ACER PALMATUM (JAPANESE MAPLE)  
 CARPINUS BETULUS 'FASTIGIATA' (EUROPEAN HORNBEAM)  
 LAGERSTROEMIA SPP. (CRAPE MYRTLE)  
 LOPHOSTEMON CONFERTA (BRISBANE BOX)  
 PRUNUS CERSIFERA 'KRAUTER VESUVIUS' (PURPLE LEAF PLUM)  
 PRUNUS SERRULATA 'KWANZAN' (FLOWERING CHERRY)  
 CITY APPROVED STREET TREES

### ACCENT PERENNIALS:

AGAPANTHUS AFRICANUS (LILY-OF-THE-NILE)  
 DIETES VEGETA (FORTNIGHT LILY)  
 FESTUCA GLAUCA (COMMON BLUE FESCUE)  
 HEMEROCALLIS SPECIES (DAYLILY)  
 LOTUS BERTHELOTTI (PARROT'S BEAK)  
 PHORMIUM TENAX (FLAX)  
 POLYSTICHUM MUNITUM (SWORD FERN)

### SHRUBS:

AZALEA SPECIES (AZALEA)  
 BERBERIS SPECIES (BARBERRY)  
 CAMELLIA SPECIES (CAMELLIA)  
 ESCALLONIA SPECIES (ESCALLONIA)  
 ILEX VOMITORIA 'NANA' (DWARF YAUPOON)  
 NANDINA DOMESTICA (HEAVENLY BAMBOO)  
 NERIUM OLEANDER (OLEANDER)  
 PHOTINIA FRASERI (PHOTINIA)  
 PITTOSPORUM SPECIES (MOCK ORANGE)  
 RHAPHIOLEPIS INDICA (INDIA HAWTHORN)  
 ROSE MEIDILAND (BUSH ROSE)  
 ROSMARINUS 'TUSCAN BLUE' (TUSCAN ROSEMARY)  
 SARCOCOCCA RUSCIFOLIA (SARCOCOCCA)  
 VIBURNUM TINUS 'SPRING BOUQUET' (LAURUSTINUS)  
 XYLOSMA CONGESTUM (SHINY XYLOSMA)

### HEDGES / SCREENING SHRUBS:

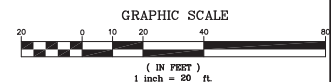
BUXUS JAPONICA MICRO. 'GREEN BEAUTY' (BOXWOOD)  
 ESCALLONIA FRADESI (ESCALLONIA)  
 EUONYMUS JAPONICA (EVERGREEN EUONYMUS)  
 LIGUSTRUM JAPONICUM 'TEXANUM' (WAX-LEAF PRIVET)

### GROUNDCOVERS:

JUNIPERUS PROCUMBENS (JAPANESE GARDEN JUNIPER)  
 ROSMARINUS 'HUNTINGTON BLUE' (PROSTRATE ROSEMARY)  
 TRACHELOSPERMUM ASIATICUM (ASIAN STAR JASMINE)  
 ZOYSIA TENUIFOLIA (KOREAN GRASS)

## GENERAL NOTES:

1. ALL PLANTING SHALL BE WATERED BY A FULLY AUTOMATIC, WATER-CONSERVING IRRIGATION SYSTEM.
2. ALL PLANTING AREAS SHALL RECEIVE A 3" LAYER OF FIRBARK MULCH DRESSING.



Source: Thomas Baek & Associates, LLP, 2015

# Landscape Plan

Stockton Avenue  
 Initial Study

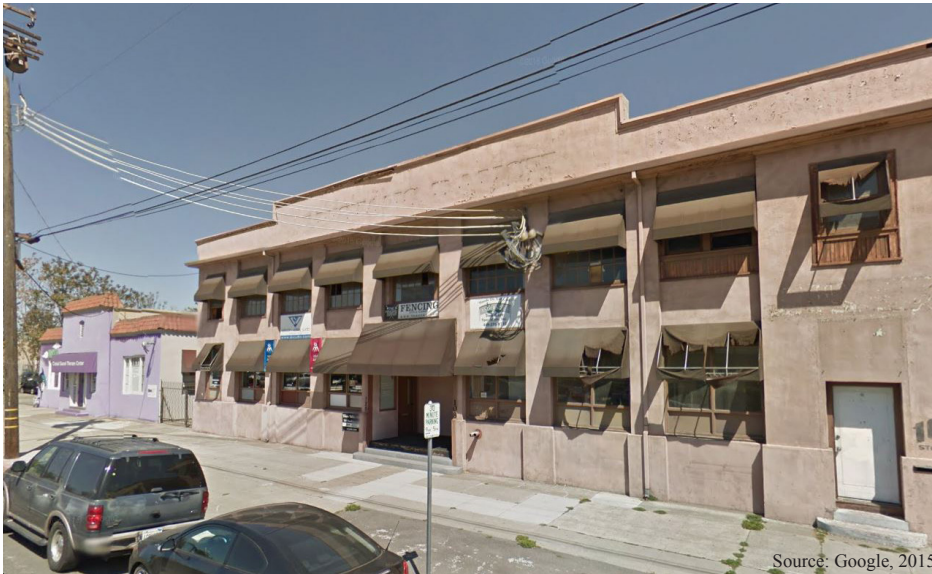
Figure  
 9



**Photo 1.** View of site from SAP Center.



**Photo 2.** View of SAP Center.



**Photo 3.** View of site from Stockton Avenue.

Source: Google, 2015



**Photo 4.** View of site looking south east from Stockton Avenue.

Source: Google, 2015

## Site Photos

Stockton Avenue  
Initial Study

Figure  
10

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## Chapter 3. Environmental Evaluation

### ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors identified below are discussed within Chapter 3. Environmental Setting and Impacts. Sources used for analysis of environmental effects are cited in parenthesis after each discussion, and are listed in Chapter 4. References.

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics               | <input checked="" type="checkbox"/> Agricultural Resources      | <input checked="" type="checkbox"/> Air Quality                        |
| <input checked="" type="checkbox"/> Biological Resources     | <input checked="" type="checkbox"/> Cultural Resources          | <input checked="" type="checkbox"/> Geology/Soils                      |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards/Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality            |
| <input checked="" type="checkbox"/> Land Use/Planning        | <input checked="" type="checkbox"/> Mineral Resources           | <input checked="" type="checkbox"/> Noise                              |
| <input checked="" type="checkbox"/> Population/Housing       | <input checked="" type="checkbox"/> Public Services             | <input checked="" type="checkbox"/> Recreation                         |
| <input checked="" type="checkbox"/> Transportation/Traffic   | <input checked="" type="checkbox"/> Utilities/Service Systems   | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

### EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).

2. All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

- a) Earlier Analysis Used. Identify and state where they are available for review.
- b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
- c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9. The explanation of each issue should identify:

- a) The significance criteria or threshold, if any, used to evaluate each question; and
- b) The mitigation measure identified, if any, to reduce the impact to less than significance.

## **ENVIRONMENTAL SETTING AND IMPACTS**

The following section describes the environmental setting and identifies the environmental impacts anticipated from implementation of the proposed project. The criteria provided in the CEQA environmental checklist form was used to identify potentially significant environmental impacts associated with the project. Sources used for the environmental analysis are cited in the checklist and listed in Chapter 4.

### **A. AESTHETICS**

#### **Setting**

The visual character of the project site is that of former industrial buildings and paved parking areas. The site does not contain any landscaping and only one tree in poor condition. No scenic resources are found on the project site or in the immediate project vicinity. Photos of the project site are provided in Figure 10.

The visual character of the larger project area is urban, consisting of commercial, industrial, and office development. The dominant visual feature in project vicinity is the San José Arena, a large public arena located just southeast of the site. The project site is not located adjacent to any residences or public open spaces. The project site is obscured from view from any notable public viewpoints, with the exception of portions of the SR 87 corridor, the adjacent railroad line, Stockton Avenue, and SR 82 (The Alameda/Santa Clara Street).

#### **Aesthetic Impacts Analyzed in the Downtown Strategy Plan and DSAP FEIRs**

The Downtown Strategy Plan FEIR did not identify any significant impacts on visual resources. The FEIR found significant shade impacts for areas of proposed development near St. James Park, Plaza of the Palms, and Plaza de Cesar Chavez, and called for shade/shadow evaluation for future development in these areas as mitigation. None of the FEIR conclusions regarding shade affect development of the project, which is not located adjacent to any of the impacted City parks.

The DSAP FEIR did not identify significant impacts on aesthetics. The DSAP FEIR indicated that new buildings located on the west side of the creek corridors in the Central and Northern Zones could increase afternoon winter shade of the corridor, but would not cast shadows for the majority of the year. The DSAP FEIR found that future development would not result in or make a considerable contribution to a cumulative impact related to shade and shadow.

## Impacts and Mitigation

### *Thresholds per CEQA Checklist*

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project	Source(s)
1. AESTHETICS. Would the project:						
a) Have a substantial adverse effect on a scenic vista?				X		1, 2
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				X		1, 2
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X		1, 2
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X		1, 2
e) Increase the amount of shade in public or private open space on adjacent sites?				X		1,2

### Explanation

- a) **Same Impact as Approved Project.** The project site affords some views of the east foothills and downtown area, but does not contain any scenic vistas or resources. The project will not impact any scenic vistas since it represents infill development in a primarily commercial/industrial area. See also c) below.
- b) **Same Impact as Approved Project.** The project site is not located within any City or state-designated scenic routes. See also c) below.
- c) **Same Impact as Approved Project.** The project would alter the existing visual character of the site and its surroundings by introducing a new seven-story building onto a parcel that contains smaller industrial buildings and pavement. Elevations of the proposed building are shown in Figure 7. The project site is surrounded by existing development, including industrial uses to the north and south, rail lines and parking for the Arena to the east, and commercial uses to the west. Although the proposed building is much larger than the existing structures on the site, it would not significantly degrade the existing visual character due to its location in a highly urbanized location. This is consistent with the findings of the Downtown Strategy Plan and DSAP FEIRs, which concluded that future redevelopment would not impact visual resources. Rather, the project would enhance the visual quality of the neighborhood by providing a new modern structure with attractive architectural features, quality design materials, and new landscaping including street trees.

As part of the City's design review process, the project will be evaluated for conformance with the proposed DSAP Design Guidelines, Zoning Ordinance, General Plan policies, Municipal Code standards, and other relevant regulations.

- d) **Same Impact as Approved Project.** Projects located in the Downtown Core are exempt from the provisions of City Council Outdoor Lighting Policy 4-3. Exterior lighting will be provided for the building for security and site identification. The project will not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. The project would have a less-than-significant impact on light and glare.
- e) **Same Impact as Approved Project.** The proposed building will have a somewhat articulated rooftop, with a height of 85 feet at the rooftop, and 102 feet at the top of the proposed parapet (see Figure 7). The project is not expected to substantially increase the amount of shade on adjacent public or private open space areas, since none are located in the immediate project area.

### **Aesthetics Chapter Conclusion**

The Downtown Strategy Plan FEIR did not identify any significant impacts on visual resources. The FEIR found significant shade impacts for areas of proposed development near St. James Park, Plaza of the Palms, and Plaza de Cesar Chavez and called for shade/shadow analyses for future development in these areas. The project is not located adjacent to any of the identified City parks.

The DSAP FEIR did not identify significant impacts on aesthetics. The DSAP FEIR indicated that new buildings located on the west side of the creek corridors in the Central and Northern Zones could increase afternoon winter shade of the corridor, but would not cast shadows for the majority of the year. The DSAP would not result in or make a considerable contribution to a cumulative impact related to shade and shadow.

The project will not result in new or more significant impacts than previously identified in the Downtown Strategy Plan and DSAP FEIRs.

## **B. AGRICULTURAL AND FOREST RESOURCES**

### **Setting**

The project site is currently occupied by industrial buildings and pavement. The site does not contain any vegetation with the exception of bushes and one tree in poor condition.

### **Regulatory Background**

In California, agricultural land is given consideration under CEQA. According to Public Resources Code §21060.1, "agricultural land" is identified as prime farmland, farmland of statewide importance, or unique farmland, as defined by the U.S. Department of Agriculture land inventory and monitoring criteria, as modified for California. The California Resources Agency's Farmland Mapping and Monitoring Program (FMMP) provides maps and data to assist decision makers in making informed decisions regarding the planning of the present and future use of California's agricultural land resources. CEQA also requires consideration of impacts to lands that are under Williamson Act contracts (contracts between government and private entities restricting lands to agricultural or open space uses).

CEQA requires the evaluation of forest and timber resources where they are present. The project site does not contain forest resources as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, and/or property zoned for Timberland Production as defined by Government Code section 51104(g)).

### **Agricultural Impacts Analyzed in the Downtown Strategy and DSAP FEIRs**

Given its boundaries within an urban downtown area, the Downtown Strategy FEIR did not identify any impacts from anticipated development on agricultural land. Subsequent to adoption of the FEIR, the CEQA Guidelines added the required evaluation of forest/timber resources.

The DSAP FEIR found that future development under the plan would have no impact on agricultural or forest resources.

### **Impacts and Mitigation**

#### ***Thresholds per CEQA Checklist***

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Approved Project	Less Impact Than Approved Project	Source(s)
2. AGRICULTURAL AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:						
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X		3
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X		2
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X		1
d) Result in the loss of forest land or conversion of forest land to non-forest uses?				X		1
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				X		1

## Explanation

- a) **Same Impact as Approved Project.** The project site is designated as “urban land/built up land” on the Important Farmlands Map for Santa Clara County and proposed development not affect agricultural land on this infill site.
- b) **Same Impact as Approved Project.** The project site is not zoned for agricultural use and does not contain lands under Williamson Act contract; therefore, no conflicts with agricultural uses will occur.
- c) **Same Impact as Approved Project.** The project will not impact forest resources since the site does not contain any forest land as defined in the Public Resources Code.
- d) **Same Impact as Approved Project.** The project will not result in the loss of forest land or conversion of forest land to non-forest uses. See c) above.
- e) **Same Impact as Approved Project.** See responses above. The project will not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

## Agriculture and Forest Resources Chapter Conclusion

The proposed project will not have an impact on agricultural or timber resources. The project will not result in new or more significant agricultural impacts beyond those in the Downtown Strategy or DSAP FEIRs, since none were identified. The project site does not contain any forest/timber resources and will not introduce new impacts related to the current CEQA criteria. In addition, the project will not impact trees or other timber resources.

## C. AIR QUALITY

### Setting

The following discussion is based on an air quality assessment prepared for the project by Atmospheric Dynamics, Inc. (July 2015). This air quality assessment is contained in Appendix A. The analysis also included an evaluation of greenhouse gas (GHG) emissions, described in Section G. Greenhouse Gas Emissions of this EIR addendum.

The Federal Clean Air Act and the California Clean Air Act mandate the control and reduction of specific air pollutants. Under these Acts, the U.S. Environmental Protection Agency and the California Air Resources Board have established ambient air quality standards for specific "criteria" pollutants, designed to protect public health and welfare. Primary criteria pollutants include carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO<sub>x</sub>), particulate matter (PM<sub>10</sub>), sulfur dioxide (SO<sub>2</sub>), and lead (Pb). Secondary criteria pollutants include ozone (O<sub>3</sub>), and fine particulate matter. These ambient air quality standards are summarized in Table 1. The Bay Area Air Quality Management District (BAAQMD) is the local agency authorized to regulate stationary air quality sources in the Bay Area.

<b>Table 1</b> <b>Ambient Air Quality Standards</b>			
<b>Pollutant</b>	<b>Averaging Time</b>	<b>California Standards<sup>a</sup></b>	<b>National Standards<sup>b</sup></b>
Ozone	8-hour	0.07 ppm	0.075 ppm
	1-hour	0.09 ppm	— <sup>c</sup>
Carbon monoxide	8-hour	9 ppm	9 ppm
	1-hour	20 ppm	35 ppm
Nitrogen dioxide	Annual	0.03 ppm	0.053 ppm
	1-hour	0.18 ppm	0.100 ppm <sup>d</sup>
Sulfur dioxide <sup>e</sup>	Annual	—	0.03 ppm
	24-hour	0.04 ppm	0.14 ppm
	1-hour	0.25 ppm	0.075 ppm
PM <sub>10</sub>	Annual	20 µg/m <sup>3</sup>	--
	24-hour	50 µg/m <sup>3</sup>	150 µg/m <sup>3</sup>
PM <sub>2.5</sub>	Annual	12 µg/m <sup>3</sup>	15 µg/m <sup>3</sup>
	24-hour	—	35 µg/m <sup>3 f</sup>
<p>Notes:</p> <p>ppm = parts per million    µg/m<sup>3</sup> = micrograms per cubic meter</p> <p><sup>a</sup> California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1-hour and 24-hour), nitrogen dioxide, suspended particulate matter - PM<sub>10</sub>, and visibility reducing particles are values that are not to be exceeded. The standards for sulfates, Lake Tahoe carbon monoxide, lead, hydrogen sulfide, and vinyl chloride are not to be equaled or exceeded. If the standard is for a 1-hour, 8-hour or 24-hour average (i.e., all standards except for lead and the PM<sub>10</sub> annual standard), then some measurements may be excluded. In particular, measurements are excluded that CARB determines would occur less than once per year on the average.</p> <p><sup>b</sup> National standards shown are the "primary standards" designed to protect public health. National standards other than for ozone, particulates and those based on annual averages are not to be exceeded more than once a year. The 1-hour ozone standard is attained if, during the most recent three-year period, the average number of days per year with maximum hourly concentrations above the standard is equal to or less than one. The 8-hour ozone standard is attained when the 3-year average of the 4th highest daily concentrations is 0.075 ppm (75 ppb) or less. The 24-hour PM<sub>10</sub> standard is attained when the 3-year average of the 99th percentile of monitored concentrations is less than 150 µg/m<sup>3</sup>. The 24-hour PM<sub>2.5</sub> standard is attained when the 3-year average of 98th percentiles is less than 35 µg/m<sup>3</sup>.</p> <p>Except for the national particulate standards, annual standards are met if the annual average falls below the standard at every site. The national annual particulate standard for PM<sub>10</sub> is met if the 3-year average falls below the standard at every site. The annual PM<sub>2.5</sub> standard is met if the 3-year average of annual averages spatially-averaged across officially designed clusters of sites falls below the standard.</p> <p><sup>c</sup> The national 1-hour ozone standard was revoked by EPA on June 15, 2005.</p> <p><sup>d</sup> To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 0.100ppm (effective January 22, 2010).</p> <p><sup>e</sup> On June 2, 2010, the EPA established a new 1-hour SO<sub>2</sub> standard, effective August 23, 2010, which is based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. The existing 0.030 ppm annual and 0.14 ppm 24-hour SO<sub>2</sub> NAAQS however must continue to be used until one year following EPA initial designations of the new 1-hour SO<sub>2</sub> NAAQS.</p> <p><sup>f</sup> EPA lowered the 24-hour PM<sub>2.5</sub> standard from 65 µg/m<sup>3</sup> to 35 µg/m<sup>3</sup> in 2006. EPA designated the Bay Area as nonattainment of the PM<sub>2.5</sub> standard on October 8, 2009. The effective date of the designation is December 14, 2009, and the Air District has three years to develop a SIP that demonstrates the Bay Area will achieve the revised standard by December 14, 2014.</p> <p>Source: CARB, 2012</p>			

The BAAQMD is primarily responsible for assuring that the federal and state ambient air quality standards are attained and maintained in the Bay Area. In 2012, the BAAQMD revised the CEQA Air Quality Guidelines, which outline BAAQMD recommended procedures for evaluating regional air pollutants including criteria air pollutants, greenhouse gases (evaluated in a following section), local risk and hazards (from toxic air contaminants and fine particulate matter), carbon monoxide, odor, and air pollutants associated with construction activities. The Guidelines include screening criteria to determine if a project is below, meets, or exceeds the Guidelines' thresholds of significance established by BAAQMD.

The BAAQMD's CEQA Guidelines provide recommendations for evaluating air pollution emissions, including BAAQMD's CEQA Thresholds Options and Justification Report (2009), and are based on substantial evidence. The City of San José relies on the thresholds of significance and screening criteria established by the BAAQMD. The BAAQMD screening levels are based on project size for air pollutant emissions.

The BAAQMD, along with other regional agencies (e.g., ABAG and MTC), develop plans to reduce air pollutant emissions. The BAAQMD adopted and implements the Bay Area 2010 Clean Air Plan (CAP). The 2010 CAP is a multi-pollutant air quality plan that addresses four categories of air pollutants:

- Ground-level ozone and the key ozone precursor pollutants (reactive organic gases and NO<sub>x</sub>)
- Particulate matter, primarily PM<sub>2.5</sub>, as well as the precursors to secondary PM<sub>2.5</sub>
- Toxic air contaminants
- Greenhouse gases

In addition, the One Bay Area Plan was developed by a joint initiative comprised of four of the Bay Area's regional government agencies: the Association of Bay Area Governments (ABAG), the BAAQMD, the Bay Conservation and Development Commission (BCDC), and the Metropolitan Transportation Commission (MTC). Under Senate Bill (SB) 375, California's 18 metro areas must plan jointly for transportation, land use, and housing with the ultimate goal of reducing greenhouse gas emissions for cars and light-duty trucks. State law requires that Plan Bay Area develop a Sustainable Communities Strategy (SCS) that accomplishes the three following principal objectives:

- Identify areas to accommodate all the region's population associated with Bay Area economic growth, including all income groups, for at least the next 25 years;
- Develop a Regional Transportation Plan that meets the needs of the region; and
- Reduce greenhouse gas emissions from automobiles and light trucks.

The BAAQMD monitors air quality conditions at more than 30 locations throughout the Bay Area. The closest monitoring station to the project is the San José (Central) station. Summarized air pollutant data for this station is provided in Table 2, which shows the highest air pollutant concentrations measured at this station for 2010-2014.

<b>Table 2</b>						
<b>Highest Measured Air Pollutant Concentrations (San José Central)</b>						
<b>Pollutant</b>	<b>Average Time</b>	<b>Measured Air Pollutant Levels</b>				
		<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Ozone (O <sub>3</sub> ) ppb	1-Hour	126	98	101	93	89
	8-Hour	86	67	62	79	66
Carbon Monoxide (CO) ppm	1-Hour	2.8	2.5	2.6	3.1	2.4
	8-Hour	2.2	2.3	1.9	2.5	1.9
Nitrogen Dioxide (NO <sub>2</sub> ) ppb	1-Hour	64	61	67	59	58
	Annual	14	15	13	15	13
Sulfur Dioxide (SO <sub>2</sub> ) ppb	1-Hour	4.9	7.2	7.9	2.5	3
	24-Hour	1.8	2.4	2.8	1.4	0.9
Respirable Particulate Matter (PM <sub>10</sub> ) ug/m <sup>3</sup>	24-Hour	47	44	60	58	55
	Annual	19.5	19.2	18.8	22.3	19.9

<b>Table 2</b> <b>Highest Measured Air Pollutant Concentrations (San José Central)</b>						
Pollutant	Average Time	Measured Air Pollutant Levels				
		2010	2011	2012	2013	2014
Fine Particulate Matter (PM <sub>2.5</sub> ) ug/m <sup>3</sup>	24-Hour	41.5	50.5	38.4	57.7	60.4
	Annual	8.8	9.9	9.1	12.4	8.4
Notes: ppm = parts per million ug/m <sup>3</sup> = micrograms per cubic meter ND = data not available. Source: BAAQMD Air Quality Summaries.						

Toxic air contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer). TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and Federal level.

### *Sensitive Receptors*

The BAAQMD defines sensitive receptors as facilities where sensitive population groups are located, including residences, schools, childcare centers, convalescent homes, and medical facilities. Sensitive receptors in the project area consist of single and multi-family residences about 550 feet to the west, and multi-family residences about 375 feet to the south. There are no hospitals, care facilities, or daycare facilities within 1,000 feet of the project site.

### **Air Quality Impacts Analyzed in the Downtown Strategy and DSAP FEIRs**

The Downtown Strategy FEIR identified significant dust, exhaust, and organic emissions during construction and presented mitigation measures to reduce the impact to a less-than-significant level including standard dust and exhaust abatement measures. The Downtown Strategy FEIR also identified significant regional emissions of criteria air pollutants and presented transportation control measures (as recommended by BAAQMD) to reduce trips and associated air pollutant emissions.

The DSAP FEIR found that buildout of the plan area would result in net increase in ROG and NO<sub>x</sub>, contributing to existing violations of ozone standards. The FEIR also concluded that buildout would have adverse cumulative impacts on regional air quality. Mitigation was identified in the form of transportation management programs, similar to the Downtown Strategy Plan.

The DSAP FEIR also considered community health risks from TACs. The City of San José is working with BAAQMD to develop a Community Risk Reduction Plan to reduce exposures of residents within the community to TAC and PM<sub>2.5</sub> emissions. Until this plan is in place, the DSAP FEIR identified site-specific construction management and best management practices for individual projects that impact sensitive receptors as well as site-specific modeling for new residential uses that could be affected by TACs associated with roadways or stationary sources, in accordance with BAAQMD and City requirements. If impacts are identified, projects would be required to incorporate mitigation into project design including installation of indoor air quality filters and ventilation and the planting of pollution absorbing trees and vegetation in buffer areas. The DSAP FEIR concluded that this mechanism for screening and mitigating the effects of TACs would reduce potential impacts to sensitive receptors to a less-than-significant level.

## Impacts and Mitigation

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Approved Project	Less Impact Than Approved Project	Source(s)
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:						
a) Conflict with or obstruct implementation of the applicable air quality plan?				X		1, 4
b) Violate any air quality standard or contribute to an existing or projected air quality violation?				X		1, 4
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?				X		1, 4
d) Expose sensitive receptors to substantial pollutant concentrations?				X		1, 4
e) Create objectionable odors affecting a substantial number of people?				X		1, 4

### Explanation

- a) **Same Impact as Approved Project.** The proposed project consists of a mixed use residential and commercial development located within downtown San José. The proposed apartment and commercial uses are intended to serve the local community and are consistent with the City's General Plan designation of "Transit Employee Center" and is allowed to convert to residential uses under the Diridon Station Area Plan Urban Village designation. The project will not increase regional population growth or cause changes in vehicle travel that will affect implementation of the Bay Area 2010 Clean Air Plan (CAP). In addition, the project includes the following CAP Control Measures.

*TCM D-1 – Bicycle Access and Facilities Improvements.* This measure calls for expanding bicycle facilities serving employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers. Typical improvements include bike lanes, routes, paths, and bicycle parking facilities.

The project includes long term bicycle parking spaces (for residents) and short term parking spaces (for visitors).

*TCM D-3 – Local Land Use Strategies.* This measure is intended to support and promote land use patterns, policies, and infrastructure investments that support higher density mixed-use, residential and employment development near transit in order to facilitate walking, bicycling and transit use.

The project proposes residential uses at a density of approximately 95 units per acre along with community serving commercial uses in close proximity to Diridon Station, downtown San José, providing opportunities for residents to conveniently use public transit or walk to downtown destinations.

*TCM E-2 – Promote Parking Policies to Reduce Motor Vehicle Travel.* This measure is intended to reduce emission of the key ozone precursors, ROG and NO<sub>x</sub>, by implementing parking policies that support infill and transit-oriented development, reduce vehicle miles traveled, and reduce vehicle emissions through increased transit use, walking, and bicycling.

The City's parking requirements for the project call for a parking ratio of 1 space per unit, compared to a typical ratio of 2:1 for residential units. By only providing one parking space per unit, the project promotes public transit use and walking to services and nearby amenities downtown.

*ECM-4 – Tree Planting.* This measure promotes planting of low-VOC emitting shade trees to reduce urban heat island effects, save energy, and absorb CO<sub>2</sub> and other air pollutants.

The project will plant six new street trees along the Stockton Avenue frontage.

- b) **Less Impact Than Approved Project.** The City of San José uses the thresholds of significance established by the BAAQMD to assess air quality impacts of proposed development. The BAAQMD CEQA Guidelines include screening levels and thresholds for evaluating air quality impacts in the Bay Area. The applicable thresholds are presented below in Table 3.

Table 3 BAAQMD Air Quality Significance Thresholds			
Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (lbs./day)	Average Daily Emissions (lbs./day)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG, NO <sub>x</sub> , PM <sub>2.5</sub> (exhaust)	54	54	10
PM <sub>10</sub> (exhaust)	82	82	15
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust (PM <sub>2.5</sub> , PM <sub>10</sub> )	Construction Dust Ordinance or other Best Management Practices	Not Applicable	
Health Risks and Hazards for Sources within 1,000 Feet of Project			
Excess Cancer Risk	10 per one million	10 per one million	
Chronic or Acute Hazard Index	1.0	1.0	
Incremental annual average PM <sub>2.5</sub>	0.3 µg/m <sup>3</sup>	0.3 µg/m <sup>3</sup>	
Health Risks and Hazards for Sensitive Receptors (Cumulative from All Sources within 1,000-Foot Zone of Influence) and Cumulative Thresholds for New Sources			

Table 3 BAAQMD Air Quality Significance Thresholds			
Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (lbs./day)	Average Daily Emissions (lbs./day)	Annual Average Emissions (tons/year)
Excess Cancer Risk	100 per 1 million		
Chronic Hazard Index	10.0		
Annual Average PM <sub>2.5</sub>	0.8 µg/m <sup>3</sup>		
Greenhouse Gas Emissions (Land Use Projects)			
GHG Annual Emissions	1,100 metric tons or 4.6 metric tons per capita		
Notes: ROG = reactive organic gases, NOx = nitrogen oxides, PM <sub>10</sub> = coarse particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, and PM <sub>2.5</sub> = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less; GHG = greenhouse gas			

### *Operational Emissions*

The operational emissions for the proposed mixed use development would be associated with vehicular and residential-related emissions. The estimated daily operational emissions from the project are presented in Table 4.

<b>Table 4</b> <b>Estimated Operational Emissions</b>						
<b>Category</b>	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>PM<sub>10</sub> (Exhaust plus Fugitives)</b>	<b>PM<sub>2.5</sub> (Exhaust plus Fugitives)</b>	<b>CO</b>	<b>SO<sub>x</sub></b>
<b>Tons per Year</b>						
Operational Emissions	1.85	2.15	0.052	0.05	10.74	0.019
BAAQMD Thresholds	10	10	15	10	-	-
Exceed Threshold?	No	No	No	No	na	na
<b>Lbs per Day (normalized per 365 days/yr)</b>						
Operational Emissions	10.14	11.78	0.28	0.27	58.85	0.104
BAAQMD Thresholds	54	54	82	54	na	na
Exceed Threshold?	No	No	No	No	na	na

Carbon monoxide (CO) emissions from traffic generated by operation of the project would be the pollutant of greatest concern at the local level. Congested intersections with a large volume of traffic have the greatest potential to cause high-localized concentrations of carbon monoxide. Air pollutant monitoring data indicate that carbon monoxide levels have been at healthy levels (i.e., below state and federal standards) in the Bay Area since the early 1990s. As a result, the region has been designated as attainment for the standard. The highest measured CO over any 8-hour

averaging period during the last three years is less than or equal to 2.5 parts per million (ppm), compared to the ambient air quality standard of 9.0 ppm. Intersections affected by the project operational traffic would have volumes less than the BAAQMD screening criteria and thus would not cause a violation of an ambient air quality standard or have a considerable contribution to violations of these standards.<sup>1</sup>

Based on the discussion above, operation of the project is not expected to exceed the significant operational thresholds, violate any air quality standard, contribute substantially to an existing/projected air quality violation, or expose sensitive receptors to substantial air pollutant levels.

### *Construction Emissions*

During the construction phase of the project, emissions of air pollutants are expected to occur from demolition, excavation, grading, new building construction, paving, and application of architectural coatings. During demolition, excavation, grading, and some building construction activities, fugitive dust could be generated. Estimated emissions of air pollutants during the construction phase of the project were compared to the BAAQMD significance criteria, which include thresholds based on 1) total mass emissions on a pound per day basis, and 2) health risk based on thresholds for diesel particulate matter and PM<sub>2.5</sub> (concentration threshold). Construction emissions were estimated for the project using CalEEMod (Version 2013.2.2).<sup>2</sup> Construction is expected to occur for a single construction phase up to 18 months (including demolition activities).

Mass Emission Based Thresholds. Table 5 shows the estimated construction phase emissions, annualized emissions, and average daily emissions (computed by dividing the total annualized construction period emissions by the number of anticipated construction days). As shown in Table 5, none of the emission criteria pollutants would exceed the BAAQMD mass emission based significance levels during construction.

<b>Table 5</b>						
<b>Estimated Construction Period Emissions</b>						
<b>Status</b>	<b>ROG</b>	<b>NOx</b>	<b>PM<sub>10</sub> (Exhaust plus Fugitives)</b>	<b>PM<sub>2.5</sub> (Exhaust plus Fugitives)</b>	<b>CO</b>	<b>SOx</b>
<b>Tons per 18 Month Period</b>						
<b>Unmitigated</b>	3.20	5.29	0.31	0.29	4.94	0.0085
<b>Lbs/day (Normalized per 18 Month Period)</b>						
<b>Unmitigated</b>	16.32	26.99	1.58	1.49	25.20	0.043
<b>BAAQMD Thresholds</b>	<b>54</b>	<b>54</b>	<b>82</b>	<b>54</b>	<b>na</b>	<b>na</b>
<b>Exceed Threshold?</b>	No	No	No	No	na	na

<sup>1</sup> For a land-use project type, the BAAQMD *CEQA Air Quality Guidelines* state that a proposed project would result in a less-than-significant impact to localized carbon monoxide concentrations if the project would not increase traffic at affected intersections to more than 44,000 vehicles per hour.

<sup>2</sup> CalEEMod is a statewide land use emissions computer model developed to provide a uniform platform to quantify potential criteria pollutant and greenhouse gas emissions.

Concentration Based Thresholds. In addition to the daily construction emission significance thresholds for combustion emissions, the BAAQMD has also established a concentration based significance threshold for PM<sub>2.5</sub> of 0.3 ug/m<sup>3</sup> (annual average) for all PM<sub>2.5</sub> emissions.

The U.S. EPA AERMOD dispersion model was used to predict concentrations of PM<sub>2.5</sub> at existing sensitive receptors in the vicinity of the project site. The modeled maximum annual PM<sub>2.5</sub> concentrations from the construction activities are 0.04 ug/m<sup>3</sup> for unmitigated exhaust and unmitigated fugitive emissions. The fugitive dust PM<sub>2.5</sub> impacts do not exceed the BAAQMD PM<sub>2.5</sub> significance threshold level of 0.3 ug/m<sup>3</sup> and, therefore, represent a less-than-significant impact.

The project would expose existing sensitive receptors, residents in multi-family housing across The Alameda (Plant 51 and Avalon at Cahill Park), to fine particle pollutant concentrations generated during construction of the project as described above. Construction activities would generate dust and equipment exhaust on a temporary basis. The BAAQMD identifies best management practices for all projects to limit air quality impacts during construction. As a part of the development permit approval, the project proponent and/or contractor will implement the following measures.

#### **Standard Permit Conditions**

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign shall be posted at the site with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

- The project contractor will implement mitigation measure AIR-1 from the Downtown Strategy 2000 FEIR during construction.

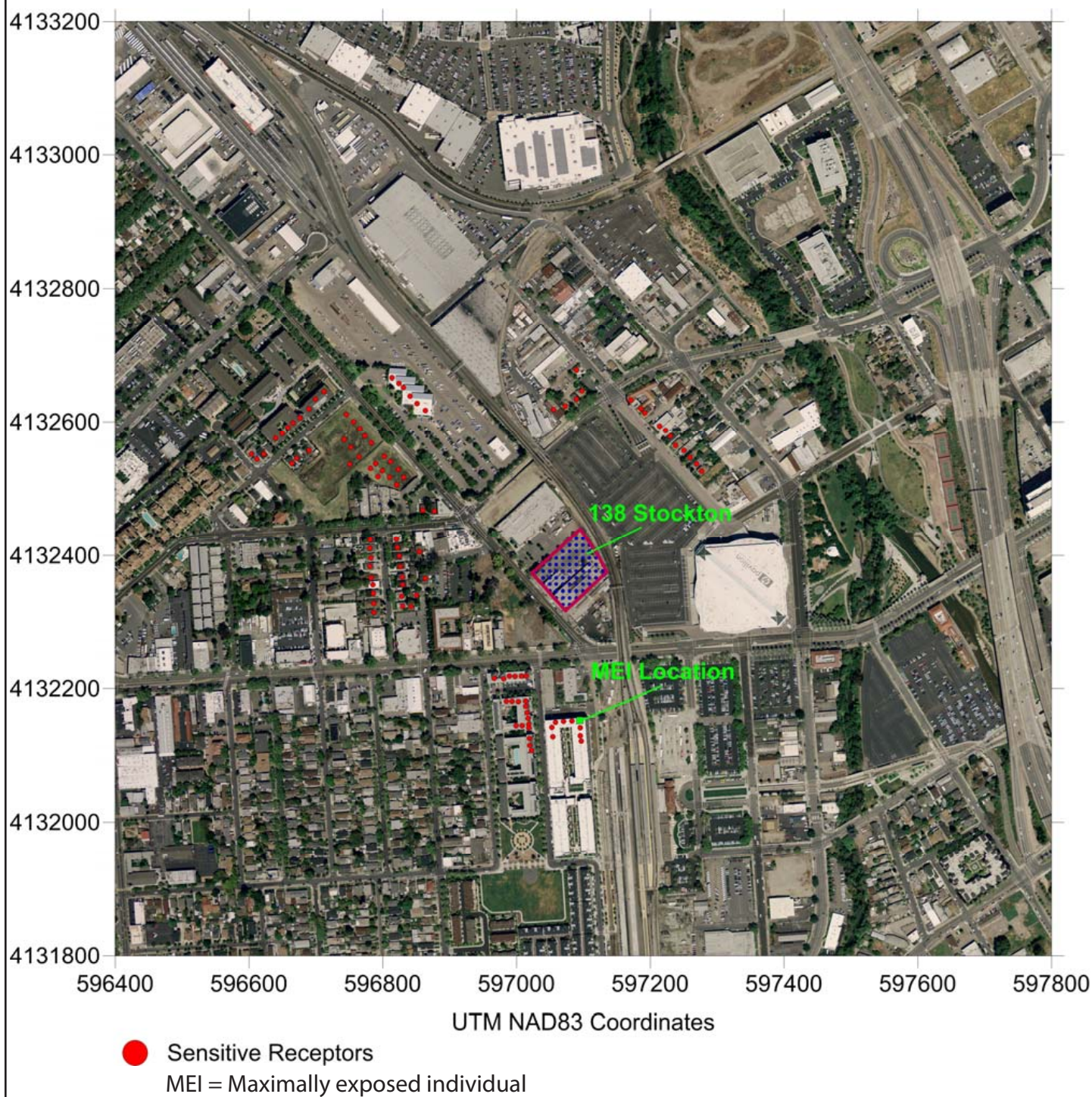
Health Risk Based Thresholds. Construction equipment and associated heavy-duty truck traffic also generates diesel exhaust (i.e., diesel particulate matter or DPM), which is a toxic air contaminant (TAC). BAAQMD has developed screening tables for evaluating potential impacts from toxic air contaminants emitted at construction projects.<sup>3</sup> The screening tables are described by BAAQMD as “environmentally conservative interim guidance” and are meant to be used to identify potentially significant impacts that should be modeled using refined techniques. These screening tables indicate that construction activities similar to this project could have significant impacts at the distances of nearby residences, with the primary impact being excess cancer risk. Since project construction activities would include demolition, excavation, grading and building construction that would last approximately 18 months and would occur near residential uses, a more refined-level study of community risk assessment was conducted. Because the gross analysis indicated that impacts were possible, a refined analysis was conducted to evaluate whether impact would be significant, and if so, identify the project features or mitigation measures that would be necessary to avoid significant impacts in terms of community risk impacts to nearby sensitive receptors (e.g., nearby residences). These receptors are shown in Figure 11.

The majority of emissions would occur during the demolition and grading phases of construction, which would occur over a relatively brief duration. The closest residences to the project site would be exposed to construction emissions, but this brief exposure period would be substantially less than the exposure period typically assumed for health risk analysis, which is a 70-year exposure period. However, construction activity would be ongoing to some degree over a period of approximately 18 months.

A screening health risk assessment analysis of the construction impacts from DPM and PM<sub>2.5</sub> emissions to nearby existing residences was conducted. This risk assessment focused on modeling on-site diesel construction activity using construction period emissions obtained from the CalEEMod model. Construction of the project was assumed to occur over an 18 month period. The CalEEMod model provided total PM<sub>2.5</sub> exhaust emissions (assumed to be DPM) for the off-road construction equipment and for exhaust emissions from on-road vehicles. The U.S. EPA AERMOD dispersion model was used to predict concentrations of DPM at existing sensitive receptors in the vicinity of the project site. The maximum-modeled DPM concentration occurred in the residential area about 560 feet south of the project. Increased cancer risks were calculated using the modeled annual concentrations and BAAQMD recommended risk assessment methods for both a child and for adult exposure. Results of this assessment indicate that, with project construction, the maximum incremental cancer risk at the maximally exposed individual (MEI) would occur at a distance of about 561 feet south from the southwestern edge of the area of disturbance. Construction DPM emissions would result in a child incremental cancer risk of 3.86 in one million and an adult incremental cancer risk of 0.20 in one million. Based on these results, the project would have a less-than-significant impact with respect to community risk from construction activities, since the BAAQMD threshold is 10 in one million.

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<sup>3</sup> *Screening Table for Air Toxics Evaluation During Construction*, BAAQMD, May 2010.



Source: Atmospheric Dynamics, Inc., 2015

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Figure  
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- c) **Same Impact as Approved Project.** See discussion b) above. The project will have less-than-significant impacts on operational and construction emissions based on the BAAQMD screening criteria. The Downtown Strategy and DSAP FEIRs concluded that the additional anticipated development downtown would have a significant cumulative impact on regional air quality. Transportation demand management practices were identified as mitigation to minimize this impact; however, it was deemed unavoidable since these measures could not fully mitigate the effect, and the City Council adopted a statement of overriding considerations for this impact for both the Downtown Strategy and DSAP FEIRs. The proposed project encourages alternative transportation by including retail uses within the mixed use development, providing residential units near transit and downtown, incorporating bicycle parking in accordance with City requirements, and providing parking at a 1:1 ratio for residential uses, consistent with Transportation Control Measures identified in the FEIRs. The project would not result in new or more significant cumulative net increase of air quality impacts than those identified in the Downtown Strategy or DSAP FEIRs.
- d) **Same Impact as Approved Project.** Operation of the project is not expected to cause any localized emissions that could expose sensitive receptors to unhealthy air pollutant levels, because no significant operational sources of pollutants are proposed onsite. Construction activities will result in localized emissions of dust and diesel exhaust that could temporarily impact adjacent land uses. Sensitive receptors are located 450-560 feet south of the project site. Implementation of standard permit conditions for construction period emissions identified in b) above will ensure that this impact is less-than-significant.

Cumulative stationary and mobile source impacts were assessed for the residential units that will be constructed as part of the project. There are currently no existing major *stationary* sources within 1,000 feet of the proposed project site.<sup>4</sup> The existing San Jose Auto Steam Cleaning service, located on the southern project property boundary, provides automobile and auto parts steam cleaning services. The facility is not a known source of air pollutants by the BAAQMD as steam is used in place of solvents for cleaning purposes. Thus, this facility is not considered a source of criteria or toxic emissions.

#### *Community Health Risk from Adjacent Rail Line*

Project impacts related to increased health risk can occur either by introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of TACs, or by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. The BAAQMD recommends using a 1,000 foot screening radius for identifying community health risk from siting a new sensitive receptor or source of TACs.

The project site is located adjacent to rail lines used by Caltrain and Amtrak for passenger rail service and a Union Pacific Railroad (UPRR) rail line used for freight service. The northeastern project site boundary is about 10 – 15 feet from the nearest rail line and the Diridon train station lies about 750 feet south of the project site. Trains traveling on these lines generate TAC and PM<sub>2.5</sub> emissions from diesel locomotives. Due to the proximity of

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<sup>4</sup> There are no other permitted generators or stationary sources within 1,000 feet of the project. The BAAQMD Toxics Screening Tool was used to assess the number and locations of the existing stationary sources. The generators to the north are associated with Silicon Valley Telcon and are not listed in the BAAQMD toxics inventory or the BAAQMD screening tool. No information could be found on the BAAQMD permit lists for this source; therefore, it was assumed to be non-operational.

the rail line to the proposed project, potential community risks to future residents at the proposed project from DPM emissions from diesel locomotive engines were evaluated.

DPM and PM<sub>2.5</sub> emissions from trains on the rail lines were calculated using EPA emission factors for locomotives<sup>5</sup> and CARB adjustment factors to account for fuels used in California<sup>6</sup>. Since the exposure duration used in calculating cancer risks is 70 years (in this case the period from 2018 through 2087), passenger and freight train average DPM emissions were calculated based on EPA emission factors for the period 2018-2040, with 2040 emissions assumed to be representative of years 2041 through 2087. Modeling of locomotive emissions was conducted using the EPA's AERMOD dispersion model and five years (2006-2010) of hourly meteorological data from the San José Airport prepared for use with the AERMOD model by BAAQMD. Locomotive emissions from train travel within about 1,100 feet of the project site were modeled as a series of line sources comprised of a series of volume sources along the rail lines. The modeling included on-site receptors placed in the proposed residential areas of the project site. Receptor heights of 32 feet and 43 feet, which are representative of the breathing heights on the third and fourth floor levels of the residential component (no residential units are proposed on the first two floors of the building). Figure 12 shows the railroad line segments used for the modeling and receptor locations at the project site where concentrations were calculated. Figure 12 also shows the locations where the maximum modeled long-term DPM and PM<sub>2.5</sub> concentrations would occur on the project site.

Maximum excess cancer risks at each project site location were calculated based on the maximum modeled long-term average DPM concentrations using methods recommended by BAAQMD.<sup>7</sup> The factors used to compute cancer risk are highly dependent on modeled concentrations, exposure period or duration, and the type of receptor. This assessment conservatively assumed long-term residential exposures. BAAQMD has developed exposure assumptions for typical types of sensitive receptors. For residential exposures this includes nearly continuous exposure over 70 years for 24 hours per day. The cancer risk calculations for 70-year residential exposures reflect use of BAAQMD's most recent cancer risk calculation method. The maximum increased cancer risk on the third floor level (about 23 feet above grade) of the project was calculated as 16.9 in one million and the maximum increased cancer risk on the fourth floor level (about 34 feet above grade) was computed as 9.3 in one million. The locations of the maximum cancer risks are shown in Figure 12. Increased cancer risks at residences on the third floor level would range from 10.2 to 16.9 in one million. Increased cancer risks at residences on the fourth floor level would range from 7.0 to 9.3 in one million. Cancer risks on the fifth floor (about 45.7 feet above grade) and higher floor levels would be lower. Using the BAAQMD CEQA Guidelines, an incremental cancer risk of greater than 10.0 cases per million from a single source represents a significant impact. Since the projected maximum increased cancer risks on the third floor level would be above 10.0 in one million, this would be considered a significant impact for new occupants of the residential component of the project.

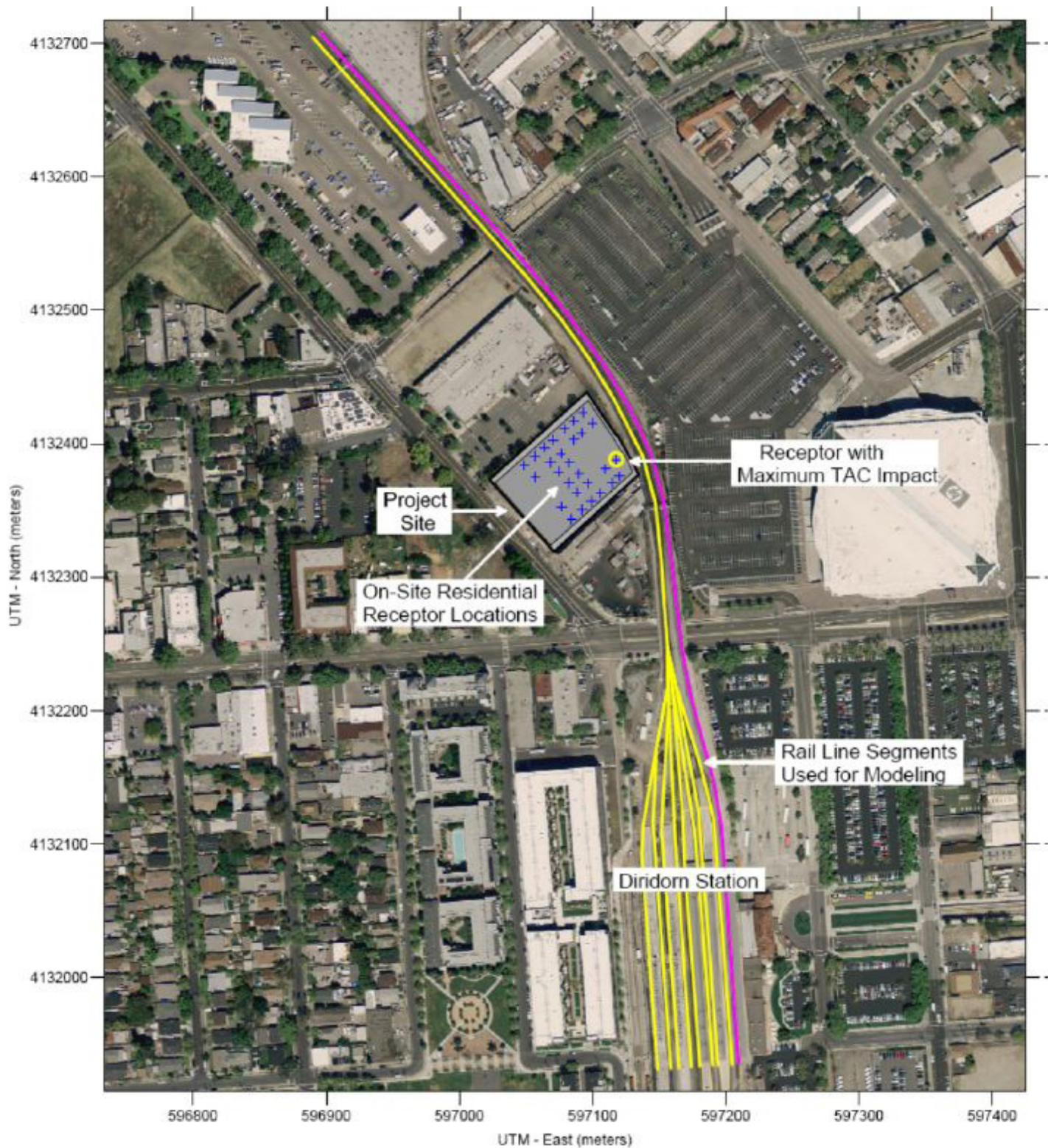
Based on the rail line modeling, the maximum PM<sub>2.5</sub> concentration at the project site is 0.12 µg/m<sup>3</sup>, occurring at the same receptors that had the maximum cancer risk. This concentration is below the BAAQMD PM<sub>2.5</sub> threshold of greater than 0.3 µg/m<sup>3</sup> and would not be considered a significant impact.

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<sup>5</sup> *Emission Factors for Locomotives*, USEPA 2009 (EPA-420-F-09-025)

<sup>6</sup> *Offroad Modeling, Change Technical Memo*, Changes to the Locomotive Inventory, CARB July 2006.

<sup>7</sup> BAAQMD, 2010. *Air Toxics NSR Program Health Risk Screening Analysis (HSRA) Guidelines*. January.



Source: Atmospheric Dynamics, Inc., 2015

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Figure  
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Potential non-cancer health effects due to chronic exposure to DPM were also evaluated. Non-cancer health hazards from TAC exposure are expressed in terms of a hazard index (HI), which is the ratio of the TAC concentration to a reference exposure level (REL). California's Office of Environmental Health and Hazard Assessment has defined acceptable concentration levels for contaminants that pose non-cancer health hazards. TAC concentrations below the REL are not expected to cause adverse health impacts, even for sensitive individuals. The chronic inhalation REL for DPM is 5 µg/m<sup>3</sup>. The maximum modeled annual residential DPM concentration was 0.12 µg/m<sup>3</sup>, which is lower than the REL. The maximum computed hazard index based on this DPM concentration is 0.02 which is much lower than the BAAQMD significance criterion of a hazard index greater than 1.0. The non-cancer health impacts from railroad DPM emissions would be below the BAAQMD significance threshold and would be considered a less-than-significant impact.

Based on the above, DPM emissions from trains traveling near the project would have a significant impact with respect to increased cancer risk to new residents located on the third floor level of the proposed project. When cancer risks are significant, the BAAQMD CEQA Air Quality Guidelines recommend as mitigation that projects install and maintain air filtration systems of fresh air supply. These systems should be installed on either an individual unit-by-unit basis, with individual air intakes and exhaust ducts ventilating each unit separately, or through a centralized building ventilation system. Measures are identified below to assure that significant health risk impacts remain less-than-significant.

The mitigation measures identified below will assure that significant health risk impacts remain less-than-significant. These mitigation measures are consistent with the analysis in the DSAP EIR and would reduce the exposure of sensitive receptors to TACs to a less than significant level.

**Impact AIR-1:** Residents on the third floor of the proposed building would be subject to a projected maximum cancer risk above 10.0 in one million due to exposure to diesel particulate matter generated by trains traveling on the Caltrain/Union Pacific railroad line immediately east of the project site.

### **Mitigation**

MM AIR-1 The project will include the following measures to minimize long-term toxic air contaminant (TAC) exposure for new project occupants.

1. Design buildings and site to limit exposure from sources of TAC emissions. The site layout shall locate windows and air intakes as far as possible from the Caltrain and UPRR rail lines. Any modifications to the site design shall incorporate buffers between residences and the rail lines.
2. Install air filtration system(s) to service third floor residential units of the project. Air filtration devices shall be rated MERV13 or higher. To ensure adequate health protection to sensitive receptors, this ventilation system shall meet the following minimal design standards, following guidance from the Department of Public Health, City and County of San Francisco.<sup>8</sup>

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<sup>8</sup> Department of Public Health, City and County of San Francisco, 2008, *Assessment and Mitigation of Air Pollutant Health Effects from Intra-urban Roadways: Guidance for Land Use Planning and Environmental Review*, May.

- a. Use of MERV13 filters or of a MERV higher rating;
- b. At least one air exchange(s) per hour of fresh outside filtered air; and
- c. At least four air exchange(s) per hour recirculation.

Alternatively, at the approval of the City, equivalent control technology may be used if it is shown by a qualified air quality consultant or heating, ventilation, and air conditioning (HVAC) engineer that it would reduce risk to below significant thresholds.

3. Submit an ongoing maintenance plan for the building's HVAC air filtration system for review and approval by the City's Planning Department prior to issuance of building permits.
4. Ensure that the use agreement and other property documents include the following: 1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks; 2) include assurance that new owners or tenants are provided information on the ventilation system; and 3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

A properly installed and operated ventilation system with MERV13 air filters may reduce PM<sub>2.5</sub> concentrations from DPM mobile and stationary sources by approximately 60 percent indoors compared to outdoors. Increased cancer risks for MERV13 filtration were calculated assuming a combination of outdoor and indoor exposure. In this case, the effective control efficiency using a MERV13 filtration system is about 52.5 percent. The projected cancer risk associated with use of a MERV13 filtration system would be 8.0 in one million at the location of the maximum unmitigated cancer risk. With use of project-specified air filtration systems, exposure to cancer risk throughout the project site would be reduced to levels below the BAAQMD significance threshold.

- e) **Same Impact as Approved Project.** The proposed residential use will not create any permanent new sources of odor and will not be located in an area with an odor generating source. During construction, use of diesel powered vehicles and equipment could temporarily generate localized odors, which would cease upon project completion.

### **Air Quality Chapter Conclusion**

The Downtown Strategy FEIR concluded that the additional proposed development would have a significant impact on regional air quality from the emission of criteria air pollutants. Motor vehicle trip-reducing measures were identified as mitigation to minimize this impact; however, it was deemed unavoidable since these measures could not fully mitigate the effect, and the City Council adopted a statement of overriding considerations for the impact.

The DSAP FEIR found that buildout of the plan area would result in a net increase in ROG and NO<sub>x</sub>, contributing to existing violations of ozone standards. The FEIR also concluded that buildout would have adverse cumulative impacts on regional air quality. Mitigation was identified in the form of transportation management programs, similar to the Downtown Strategy 2000 Plan; however, it was deemed unavoidable since these measures could not fully mitigate the effect, and the City Council adopted a statement of overriding considerations for the impact.

The DSAP FEIR called for site-specific modeling for new residential uses that could be affected by TACs associated with roadways, railways, or stationary sources, in accordance with BAAQMD and City requirements. If impacts are identified, projects would be required to incorporate mitigation into project design including installation of indoor air quality filters and ventilation as set forth in mitigation measure AIR-1 above consistent with the DSAP FEIR. The DSAP FEIR concluded that this mechanism for screening and mitigating the effects of TACs would reduce potential impacts to sensitive receptors to a less-than-significant level.

Based on the above analysis, the proposed project would not result in new or more significant air quality impacts than those identified in the Downtown Strategy 2000 and DSAP FEIRs.

## **D. BIOLOGICAL RESOURCES**

### **Setting**

The project site is located within an urbanized area in downtown San José. The existing property is entirely developed with buildings and pavement and contains only one tree, a 15-inch diameter Mayten (*Maytenus boaria*). Due to the disturbed nature of the site, it has a low habitat value. No sensitive status species or habitat were observed or are expected on the property.

The City of San José's Municipal Code (Title 13) regulates the removal of trees, including any live or dead woody perennial plant, having a main stem or trunk 56 inches or more in circumference (18 inches in diameter) at a height of 24 inches above the natural grade slope. In addition, City-designated heritage trees are considered sensitive resources. A heritage tree is any tree located on private property, which because of factors including (but not limited to) history, girth, height, species, or unique quality has been found by the City Council to have special significance to the community. It is unlawful to vandalize, mutilate, remove or destroy heritage trees. The project site does not contain any City-designated heritage trees. As described above, the site contains only one 15-inch diameter tree that appears to be in poor condition.

### *Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan*

The Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan (HCP) was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife. The HCP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The project site is located within the boundaries of the HCP and is designated Urban Development.

### **Biological Resource Impacts Analyzed in the Downtown Strategy Plan and DSAP FEIRs**

The Downtown Strategy Plan FEIR identified potential impacts on biological resources associated with tree removal and associated nest abandonment and intrusion/disturbance to creek corridors, and presented mitigation to avoid these impacts. The project is proposed on a developed site with little vegetation and is located well outside any creek areas.

The DSAP FEIR concluded that with implementation of General Plan policies and existing regulations would not result in a significant impact to sensitive riparian and aquatic habitats, trees, special status

species, or wildlife migratory corridors. In addition, the proposed DSAP would not conflict with local policies or ordinances protecting biological resources or the provisions of a habitat conservation plan.

## Impacts and Mitigation

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Approved Project	Less Impact Than Approved Project	Source(s)
<b>4. BIOLOGICAL RESOURCES. Would the project:</b>						
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?					X	1, 2
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?					X	1, 2
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?					X	1, 2
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?					X	1, 2
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?					X	1, 2
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				X		1, 2

### Explanation

- a) **Less Impact than Approved Project.** The project site is considered to have a low value and potential for wildlife, due to the developed nature of the property and high human activity levels surrounding the property at this downtown location. No special status species are expected to occur on the site and the project will not affect any special status species.
- b) **Less Impact than Approved Project.** The project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community given the lack of these resources on or near the site.

- c) **Less Impact than Approved Project.** The project site does not contain any wetland resources; therefore, it will not adversely affect federally protected wetlands as defined by Section 404 of the Clean Water Act.
- d) **Less Impact than Approved Project.** The project will not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- e) **Less Impact than Approved Project.** The project will not conflict with any local policies or ordinances protecting biological resources. The City of San José's Tree Removal Controls (San José City Code, Sections 13.31.010 to 13.32.100) serve to protect all trees having a trunk measuring 56 inches or more in circumference (i.e., 18 inches in diameter) at the height of 24 inches above natural grade. This ordinance applies to native and non-native species. The project site contains one 15-inch diameter tree in poor condition.
- f) **Same as Approved Project.** The project site is located within the boundaries of the Santa Clara Valley Habitat Plan (HCP) in an area designated as Urban Suburban. No covered species are known or expected to occur within the project site. The project site is located within the boundaries of the Santa Clara Valley Habitat Plan (HCP) in an area designated as Urban Suburban, but the size of the property is less than two acres in size. The HCP does not apply to urban projects that disturb less than two acres (unless near sensitive habitat such as a riparian corridor or wetland).

### **Biological Resources Chapter Conclusion**

The Downtown Strategy Plan FEIR identified potential impacts on biological resources; however, because the project is proposed on a fully developed site, it will not affect biological resources addressed in the FEIR.

The DSAP FEIR concluded that with implementation of General Plan policies and existing regulations, such as the Riparian Corridor Policy and Municipal Code, future development under the DSAP would not result in a significant impact to sensitive riparian and aquatic habitats, trees, special status species, or wildlife migratory corridors. The proposed DSAP was found not to conflict with local policies or ordinances protecting biological resources or the provisions of an adopted habitat conservation plan.

The proposed project would not result in new or more significant biological impacts than those identified in the Downtown Strategy Plan and DSAP FEIRs.

## E. CULTURAL RESOURCES

### Setting

#### *Historic Resources*

The project site contains two existing industrial buildings. The two buildings were constructed in 1917 and 1930, respectively. A historical evaluation was completed for the structures by Urban Programmers in 2006, which concluded that the structure at 138 Stockton Avenue was not historically significant but that the structure at 106-120 Stockton Avenue appeared to be a City of San José Structure of Merit (now Potential Historic Structure). This structure is currently listed on the City of San José Historic Resource Inventory under this category. For this addendum, the historical evaluation of the building at 106-120 Stockton Avenue was updated by Archaeological Resource Management (October 27, 2015), and is contained in Appendix B. A summary of the historical evaluation of the two buildings on the site is provided below.

**106-120 Stockton Avenue.** The J.S. Smith Manufacturing Company was founded by John S. Smith in 1902-1903 and originally operated from a building at 225 The Alameda. The company became well known for manufacturing quality agricultural equipment. In 1916-1917, a new 51,000 square foot facility was constructed at what is now 106-120 Stockton Avenue and occupied in 1918. The company sold 70 percent of its products outside the Santa Clara Valley, on the international market. In 1921 Charles O. Smith took over the company from his father, and it was incorporated as the Smith Manufacturing Company. In 1923 the company was sold to a Midwestern company known as Sprague-Sells. In 1927 Sprague-Sells merged with Food Machinery Company (FMC). John S. Smith died in 1936. After that period, his son Charles ran the company with George Gardner as operations manager and the company became known as Garner-Smith Inc. After Charles death in 1948, his son Oliver Smith was president. In the late 1940's the rear portion of the structure was leased to Golden West Foundry. Smith Manufacturing closed in 1955. From 1957 to 1983 the structure was occupied by Reliable Pattern Works. Since the mid 1980's a number of smaller businesses have operated out of the structure.

The main building consists of two elements, the front two-story former office section that is sheathed in stucco, and the rear single-story lightweight construction manufacturing area. The front office section consists of a solid base with vertical bays defined by structural pilasters, separating industrial window systems. A single stepped parapet extends across the front of the buildings with a flat awning above the second floor. The rear section is a tall single story wood-framed structure with window bands along both sides and a central industrial clerestory. The building retains integrity, although it is diminished by window alterations. As an example of industrial architecture from 1918, the building is not of artistic design or of high quality craftsmanship or materials.

**138 Stockton Avenue.** In 1930, the Western Elevator Manufacturing Company constructed an assembly and fabrication factory for freight and passenger elevators at 138 Stockton Avenue. The company occupied the building for only a year, and was listed as vacant in 1931-32. The following tenant was A.M. Mortensen Inc., a service station equipment supplier, which occupied the building until 1933. Rundel's Neon Signs occupied the back portion of the building until the mid-1940s. In 1943, Reliable Pattern Works occupied a portion of the building along with Max Manufacturing. Max Manufacturing Company appears to have designed and manufactured heavy tools as well as other products. In the mid-1950s, the Reliable Pattern Works moved into the vacant building at 106 Stockton. The two companies remained in these buildings, until these companies vacated the property in the 1980s. Since the mid 1980's a number of smaller businesses have operated out of the structure.

The building consists of a single-story wood frame structure designed in a Spanish Colonial Revival Mode. The building contains two elements, the front single-story former office section and the rear single-story lightweight construction manufacturing area. The building exhibits traits of the period's California style that incorporates stucco and red tile roofs. The building retains integrity though there are minor alterations to the rear and sides of the building. As an example of industrial architecture from the late 1920s, the building is not of artistic design or of high quality craftsmanship or materials.

### *Archaeological Resources*

Based on previous archaeological assessment and archival research, the project area has a moderate to high likelihood of containing prehistoric or historic archaeological deposits (Strategy 2000 FEIR, June 2005). The project site and general area have been substantially disturbed by onsite commercial and industrial development, as well as installation of adjacent railroads, streets, and utilities. This disturbance may have affected the integrity of any buried archaeological resources in the immediate area.

### **Cultural Resource Impacts Analyzed in the Downtown Strategy Plan and DSAP FEIRs**

The Downtown Strategy Plan FEIR identified potential impacts on cultural resources from potential alteration of historic structures and/or districts, disturbance to subsurface historic or prehistoric archaeological resources, and disturbance to human remains. The Downtown Strategy FEIR identified mitigation for these impacts that requires evaluation of development sites by a qualified cultural resources consultant and adherence to specific recommendations of the consultant based on site-specific review. Other mitigation included standard measures for avoiding impacts to subsurface archaeological resources and/or human remains if discovered during construction activities.

The DSAP FEIR found that with implementation of standard measures, General Plan policies, and existing regulations, future development under the DSAP would not result in a significant impact to archaeological, paleontological, or historic resources. Future redevelopment activities within the DSAP were determined to have a cumulatively considerable and unavoidable contribution to previously identified significant impacts to historic resources.

### **Impacts and Mitigation**

#### ***Thresholds per CEQA Checklist***

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Approved Project	Less Impact Than Approved Project	Source(s)
5. CULTURAL RESOURCES. Would the project:						
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA 15064.5?				X		1, 2, 6
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA 15064.5?				X		1, 2
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X		1, 2
d) Disturb any human remains, including those interred outside of formal cemeteries?				X		1, 2

## Explanation

- a) An updated historical evaluation was performed for the project site by Archaeological Resource Management (ARM) on October 27, 2015. The evaluation included completion of the Department of Parks and Recreation (DPR) forms intended to supplement and update the original evaluation for the property completed in 2006 by Urban Programmers.

Based upon the results of the updated historical investigation, it was determined that the property at 106-120 Stockton Avenue is not currently listed in the California Register of Historic Resources (CRHR) or the National Register of Historic Places (NRHP). In addition the structure does not appear to be eligible for listing on these registers. The structure is currently listed in the City of San José Historic Resource Inventory. The structure received a point score of 45.94 on the City of San José Historic Tally forms completed in 2006 (by Urban Programmers), identifying it at that time under the older category of Structure of Merit. A revised Historic Tally Sheet was completed by ARM for the structure in the historic evaluation update (October 2015). The structure scored a total of 40.44, identifying it as a Potential Historic Resource. However, based on the eight factors set forth in the City of San José Historic Preservation Ordinance, the structure does not appear to meet the criteria of City Landmark status (refer to Appendix B).

The project proposes to demolish all structures on the project site, including the building at 106-120 Stockton Avenue, identified in the updated historical evaluation and as a Potential Historic Structure and a Structure of Merit on the City's Historic Resources Inventory. As part of the development permit approval, the project will conform to the standard permit conditions listed below to document for the impact to a locally historic resource.

### Standard Permit Conditions

- The project proponent shall submit photographic documentation as specified by the professional staff at History San José for the City Potential Historic Structure on the site (138 Stockton Avenue). The documentation modes, level, and number/orientation of views shall be approved by the City's Historic Preservation Officer. Two copies of the completed documentation shall be submitted to the City's Historic Preservation Officer. One copy should be retained by History San José for their archives. The photo documentation shall conform to the City's standard requirements set forth below. Provide selected black and white views of the existing building according to the following standards:
  - *Cover sheet* – The documentation shall include a cover sheet identifying the photographer, providing the address of building, common or historic name of the building, date of construction, date of photographs, and description of photographs.
  - *Camera* – A 35mm camera.
  - *Lenses* – No soft focus lenses. Lenses may include normal focus length, wide angle and telephoto.
  - *Filters* – Photographer's choice. Use of a pola screen is encouraged.
  - *Film* – Must use black and white film; tri-X, Plus-X, or T-Max film is recommended.
  - *View* – perspective view-front and other elevations. All photographs shall be composed to give primary consideration to the architectural and/or engineering features of the structure with aesthetic considerations necessary, but secondary.
  - *Lighting* – Sunlight is usually preferred for exteriors, especially of the front façade. Light overcast days, however, may provide more satisfactory lighting for some structures. A flash may be needed to cast light into porch areas or overhangs.

- *Technical* – All areas of the photograph must be in sharp focus.
- *Submission of Photo-Documentation:* Provide three copies of the documentation, including the original prints and negatives, to the Historic Preservation Officer for approval and distribution to History San José (Jim Reed, History San José, 1650 Senter Road, San José, CA 95112-2599, (408) 287-2290), the California Room at the MLK Jr. Library (Bob Johnson, Dr. MLK Jr. Library, California Room, 150 E. San Fernando St., San José, CA 95112, (408) 808-2136), and the Northwest Information Center at Sonoma State University. Digital photos may be provided as a supplement to the above photo-documentation, but not in place of it. Digital photography shall be recorded on a CD and submitted with the above.

- b) **Same Impact as Approved Project.** Based on previous archaeological assessment and archival research, the project area has a moderate to high likelihood of containing prehistoric or historic archaeological deposits. The site is currently fully developed and construction of existing structures may have impacted the integrity of buried archaeological resources. However, due to the site's location in an archaeologically sensitive area, resources may be encountered during construction activities. The Downtown Strategy and DSAP FEIRs identify measures for assuring that archaeological resources are preserved in the event of discovery. As a part of the development permit approval, the project will conform to the standard permit condition listed below, consistent with the measures identified in the FEIRs.

#### **Standard Permit Condition**

- If cultural resources are discovered, a final report summarizing the discovery of cultural materials will be submitted to the City's Environmental Senior Planner. This report will contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusion, and a description of the disposition/curation of the resources. The report will verify completion of the mitigation program to the satisfaction of the Environmental Senior Planner.
- c) **Same Impact as Approved Project.** The project site is disturbed and not known to contain any paleontological resources as none have historically been identified in the project area and, therefore, it is very unlikely that the project will destroy a unique paleontological resource or unique geologic feature.
- d) **Same Impact as Approved Project.** Though unlikely, human remains may be encountered during construction activities. As a part of the development permit approval, the project will conform to the standard permit condition listed below to avoid impacts associated with any disturbance to human remains.

#### **Standard Permit Condition**

- Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory

agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

## **Cultural Resources Chapter Conclusion**

The Downtown Strategy Plan FEIR identified potential impacts on cultural resources from potential alteration of historic structures and/or districts, disturbance to subsurface historic or prehistoric archaeological resources, and disturbance to human remains. The Downtown Strategy 2000 FEIR identified mitigation for these impacts that requires evaluation of development sites by a qualified cultural resources consultant and adherence to specific recommendations of the consultant based on site-specific review. Other mitigation included standard measures for avoiding impacts to subsurface archaeological resources and/or human remains if discovered during construction activities.

The DSAP FEIR concluded that with implementation of standard measures, General Plan policies, and existing regulations, future development under the DSAP would not result in a significant impact to archaeological, paleontological, or historic resources. Future redevelopment activities within the DSAP were determined to have a cumulatively considerable contribution to (previously identified) significant impacts to historic resources. This impact was found to be unavoidable and the City Council adopted a statement of overriding consideration for this impact.

The project includes historical resource remediation measures for removal of a City of San José Potential Historic Structure, consistent with the mitigation identified in the Downtown Strategy and DSAP FEIRs. The proposed project would not result in new or more significant impacts to cultural resources than those identified in the Downtown Strategy Plan and DSAP FEIRs.

## **F. GEOLOGY AND SOILS**

### **Setting**

The project site is located on a developed site located in the north portion of the Santa Clara Valley, on a large alluvial plain. The area is underlain by alluvial deposits consisting of unconsolidated to semi-consolidated sand, silt, clay, and gravel. In the project area, surface soils have been mapped as those of the Yolo Association. Soils in portions of the downtown area have also been identified as expansive (California Division of Mines and Geology, 1997).

The project is located in the seismically-active San Francisco Bay Area region. Major active fault systems in the area are the San Andreas, Calaveras, Hayward, and Monte Vista-Shannon. The probability of a magnitude 6.7 or greater earthquake occurring in the Bay Area by 2030 is approximately 70% (USGS and California Division of Mines & Geology, 1999). The project site would be subject to strong ground shaking in the event of a large magnitude earthquake on any of the regional fault systems. In addition, the entire downtown area, including the project site, is mapped within a liquefaction zone (California Geological Survey, 2001).

### **Geological Impacts Analyzed in the Downtown Strategy Plan and DSAP FEIRs**

The Downtown Strategy Plan FEIR identified potential geologic and geotechnical hazards in the area, which included seismicity, expansive soils, and dewatering-related subsidence. Mitigation in the FEIR for these impacts calls for the development of design-level geotechnical investigations subject to review by

the San José Public Works Department, and adherence to all mitigation measures, design criteria, and specifications set forth in the geotechnical report.

The DSAP FEIR found that with implementation of standard measures, General Plan policies, and existing regulations, future development under the DSAP would not result in a significant impact related to geologic or seismic hazards.

## Impacts and Mitigation

### *Thresholds per CEQA Checklist*

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Approved Project	Less Impact Than Approved Project	Source(s)
6. GEOLOGY AND SOILS. Would the project:						
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?				X		1, 2
ii) Strong seismic ground shaking?				X		1, 2
iii) Seismic-related ground failure, including liquefaction?				X		1, 2
iv) Landslides?				X		1, 2
b) Result in substantial soil erosion or the loss of topsoil?				X		1, 2
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X		1, 2
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X		1, 2, 7
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X		1, 2

## Explanation

- ai) **Same Impact as Approved Project.** The site is not located within a State of California Earthquake Fault Hazard Zone and no known active faults cross the site. The risk of ground rupture within the subject site is considered low. The project is not mapped within an Alquist-Priolo Earthquake Fault Zone.

- aii) **Same Impact as Approved Project.** Due to its location in a seismically active region, the proposed mixed use building may be subject to strong seismic ground shaking during its design life in the event of a major earthquake on any of the region's active faults. Seismic impacts will be minimized by implementation of standard engineering and construction techniques in compliance with the requirements of the California and Uniform Building Codes for Seismic Zone 4, identified during the building permit stage. The proposed building will also be designed and constructed in accordance with a design-level geotechnical investigation, consistent with the mitigation and standards identified in the Downtown Strategy Plan and DSAP FEIRs, to avoid potentially significant impacts from geotechnical hazards.
- aiii) **Same Impact as Approved Project.** The project site is located in an area prone to liquefaction. A site-specific geotechnical report will be performed for the project. The proposed mixed use building will be designed and constructed in accordance with a design-level geotechnical investigation consistent with the mitigation and standards identified in the Downtown Strategy Plan and DSAP FEIRs to avoid potentially significant impacts from geotechnical hazards.
- aiv) **Same Impact as Approved Project.** The project site has virtually no vertical relief and is not subject to landslides.
- b) **Same Impact as Approved Project.** Development of the project will require pavement removal and grading of 3,500 cubic yards (CY) of cut and 1,000 CY of fill, requiring an export of 2,500 CY of material. Grading and construction activities could result in a temporary increase in erosion. This increase in erosion is expected to be minor due to the small size and flatness of the site. The project will implement the standard measures identified in the Hydrology and Water Quality Chapter of this addendum to minimize erosion impacts.
- c) **Same Impact as Approved Project.** The proposed mixed use building will be designed and constructed in accordance with a design-level geotechnical investigation as set forth in the mitigation and standards identified in the Downtown Strategy 2000 Plan and DSAP FEIRs and standard measures in the DSAP FEIR to avoid potentially significant impacts from geotechnical hazards, including lateral spreading, subsidence, and liquefaction.
- d) **Same Impact as Approved Project.** The proposed building will be designed and constructed in accordance with a design-level geotechnical investigation as set forth in the mitigation and standards identified in the Downtown Strategy Plan and DSAP FEIRs to avoid potentially significant impacts from geotechnical hazards, including expansive soils.
- e) **Same Impact as Approved Project.** The project would tie into the City's existing sanitary sewer system and does not include any septic systems.

#### **Standard Permit Condition**

- The project will comply with the design recommendations contained in the final geotechnical investigation prepared for the project to address the potential for geologic and soils hazards on the site. The geotechnical investigation will be reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance for the project.

#### **Geology and Soils Chapter Conclusion**

The Downtown Strategy Plan FEIR identified potential geologic and geotechnical hazards including seismicity, expansive soils, and dewatering-related subsidence. Mitigation identified for these impacts is

the development of a design-level geotechnical investigation subject to review by the San José Public Works Department, and adherence to design criteria and specifications set forth in the report. The project will be designed and constructed in accordance with a design-level geotechnical investigation.

The DSAP FEIR found that with implementation of standard measures, General Plan policies, and existing regulations, future development under the DSAP would not result in a significant impact related to geologic or seismic hazards.

The proposed project would not result in new or more significant geotechnical impacts than those identified in the Downtown Strategy 2000 Plan and DSAP FEIRs.

## G. GREENHOUSE GAS EMISSIONS

### Setting

Various gases in the earth's atmosphere, classified as atmospheric greenhouse gases (GHGs), play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), ozone (O<sub>3</sub>), water vapor, nitrous oxide (N<sub>2</sub>O), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. In California, the transportation sector is the largest emitter of GHGs, followed by electricity generation.

The BAAQMD has not adopted thresholds of significance for construction-related GHG emissions, but does require that a project disclose these emissions. Sources of construction-related GHG emissions are generally associated with exhaust.

### Impacts and Mitigation

#### *Thresholds per CEQA Checklist*

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Approved Project	Less Impact Than Approved Project	Source(s)
7. GREENHOUSE GAS EMISSIONS. Would the project:						
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X		1, 4
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X		1, 4

## Explanation

- a) **Same Impact as Approved Project.** To determine if a project may have a significant impact from greenhouse gas emissions, the BAAQMD established three criteria for evaluating operational GHG emissions in their 2011 CEQA Guidelines. A project is considered to have less-than-significant GHG emissions if it complies with one of three following criteria: 1) the project is consistent with an adopted qualified Climate Action Plan or adopted GHG Reduction Strategy; 2) the operational emissions from the project do not exceed a “bright-line” threshold of 1,100 metric tons (MT) of carbon dioxide equivalent per year (CO<sub>2</sub>e/year); or 3) the annual project emissions do not exceed an efficiency threshold of 4.6 MT per project service population (residents plus employees).

On December 15, 2015, the San José City Council certified a Supplemental Program Environmental Impact Report to the Envision San José 2040 Final Program Environmental Impact Report and re-adopted the City’s GHG Reduction Strategy in the General Plan. Projects that conform to the General Plan Land Use/Transportation Diagram and supporting policies are considered consistent with the City’s GHG Reduction Strategy, and, therefore, are considered to have a less-than-significant impact related to GHG emissions. The project is consistent with the site’s *Urban Village* General Plan Land Use/Transportation Diagram designation, and thus complies with the City’s re-adopted GHG Reduction Strategy. For this reason, the project is considered to have a less-than-significant impact related to GHG emissions.

Prior to certification of the Supplemental Program EIR and re-adoption of the City’s GHG Reduction Strategy, GHG emissions were calculated for the project using the California Emissions Estimator Model (CalEEMod). CalEEMod predicted annual emissions associated with operation of the fully-developed project. In 2017, annual net emissions resulting from operation of the proposed project are predicted to be 3.73 MT CO<sub>2</sub>e/service population/year, which is below the BAAQMD efficiency threshold of 4.6 MT CO<sub>2</sub>e/service population/year. The GHG evaluation assumed a service population of 544 residents and employees.<sup>9</sup> The project emissions of GHG, therefore, represent a less-than-significant contribution to cumulative global GHG emissions.

GHG emissions associated with construction were computed to be 714.9 metric tons (MT) of CO<sub>2</sub>e, anticipated to occur over the 18-month construction period. These are the emissions from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. Neither the City nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions, though BAAQMD recommends quantifying and disclosing GHG emissions during construction. BAAQMD also encourages the incorporation of best management practices to reduce GHG emissions during construction where feasible and applicable.

- b) **Same Impact as Approved Project.** The project will not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, since the proposed project will not contribute to significant global GHG emissions. The project would be subject to new requirements under rule-making developed at the State and local level regarding GHG emissions and be subject to local policies that may affect emissions of GHGs.

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<sup>9</sup> Based on 3.09 residents per unit (2010 Census data) for a total of 507 residents plus 37 employees.

## **Greenhouse Gas Emissions Chapter Conclusion**

Evaluation of GHG emissions was not required at the time that the Downtown Strategy 2000 FEIR was completed. The DSAP FEIR concluded that build-out of the DSAP would considerably contribute to the greenhouse gas emissions, resulting in a significant unavoidable cumulative impact to global climate change (as identified in the Envision PEIR). The City Council made an overriding consideration for this unavoidable impact.

The proposed project would not exceed BAAQMD thresholds for annual CO<sub>2</sub>e emissions per service population, and would not result in new or more significant GHG emissions impacts than those identified in the DSAP FEIR.

## **H. HAZARDS AND HAZARDOUS MATERIALS**

### **Setting**

A Phase I Environmental Site Assessment was prepared for the project by PHASE ONE, Inc. (August 2015). This assessment included a review of site maps, search of regulatory database and agency files, and a site inspection. The project site is located in a commercial and industrial area near the San José Arena. The property is bounded by Stockton Avenue and commercial uses to the west, the railroad tracks and Arena parking lots to the east, and industrial uses to north and south.

The subject site has been used for manufacturing, a machine shop, foundry, and pattern works during 1930 to approximately 2004. Two buildings remain on the site, one is currently vacant and the other in commercial use. Review of historical maps and aerial photographs indicate that the site was vacant or occupied by residential dwellings prior to development with industrial structures in 1917 and 1930. Historical operation practices on the site are not known, however, those typically associated with the facilities described above may have impacted the subsurface with hazardous substances such as lubricating oils/greases, metals, solvents, fuels, acids and/or bases, and other chemicals. Two sumps and patching were also observed during the 2015 site inspection.

A Limited Subsurface Investigation was conducted in 2013 for redevelopment of the project site and contamination was identified in the area of the sump, the exterior north side of the 106-120 Stockton Avenue building, the southeast corner of the site as well as in the fill material. The contamination on the project site was not fully characterized and further investigation was recommended.

The results of the Phase I study (2015) identified four potential environmental concerns for the property, as summarized below.

1. The site has historically been used for manufacturing, and as a foundry and metal pattern shop. Historic operations are not known and these activities may have impacted the subsurface with lubricating oils/greases, solvents, fuels, metals, or other contaminants. In addition, two sumps and patching were observed during the recent 2015 site inspection.
2. Several areas of suspected mold were observed in southwest corner of the center unit of the building at 106-120 Stockton Avenue.

3. The adjacent property to the south has been a foundry and/or automotive repair since 1930 (to present). Historical operation practices are not known, however, those typically associated with these types of facilities may have impacted the subsurface with hazardous substances such as lubricating oils/greases, metals, solvents, fuels, acids and/or bases, and other chemicals. The possibility exists that any soil or groundwater contamination generated by this adjacent site may extend beneath the subject property.
4. Pole-mounted transformers were observed. Given the pre-1979 date of development of the subject site, the presence of fluids containing polychlorinated biphenyls (PCBs) in the transformers is possible. No leakage or staining was visible on or around the transformer(s); therefore, no action is recommended.

In addition to the above conditions identified in the Phase I Assessment, existing structures on the site may contain asbestos and lead paint, although no surveys were conducted. These materials would require proper handling and disposal during future development activities, subject to federal and state regulations.

#### *San José International Airport*

The Mineta San José International Airport is located approximately 1.4 miles northeast of the project site. The project is located within the Santa Clara County Airport Land Use Commission's adopted Airport Influence Area for the airport, although it is not located within an Airport Safety Zone.

#### **Hazards/Hazardous Materials Impacts Analyzed in the Downtown Strategy Plan and DSAP FEIRs**

The Downtown Strategy 2000 Plan FEIR identifies potential impacts associated with hazardous materials from redevelopment of properties that may contain contamination, including disturbance of sites containing soil or groundwater contamination or demolition of structures with lead paint and/or asbestos. Mitigation in the FEIR calls for the preparation of Phase I Assessments for new projects, with implementation of recommendations and remediation measures as needed.

The DSAP FEIR concluded that with implementation of General Plan policies, appropriate clean-up actions, and precautionary measures, future development under the proposed DSAP would not expose construction workers, the public, or environment to significant hazards related to soil or groundwater contamination. Mitigation in the DSAP FEIR calls for the preparation of Phase I Assessments for new projects and the completion of a Phase II Environmental Site Assessment, Human Health Risk Assessment, Remedial Action Plan, and/or Soil Management Plan as needed. The DSAP FEIR also identified potential impacts from above-ground tanks, including a propane tank explosion at the PG&E service center located at 308 Stockton Avenue. The FEIR concluded that this did not pose a significant threat given that PG&E must comply with very specific local and state regulatory requirements to maintain permits for their current operations. The DSAP FEIR recommends that the presence of the PG&E tank be disclosed to future residents. Finally, future development under the DSAP was not found to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable accident conditions.

## Impacts and Mitigation

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Approved Project	Less Impact Than Approved Project	Source(s)
8. HAZARDS AND HAZARDOUS MATERIALS. Would the project:						
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?					X	1, 2
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X		1, 2, 7
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?				X		1, 2
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X		1, 2
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X		1, 2
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X		1, 2
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X		1, 2
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X		1, 2

### Explanation

- a) **Less Impact as Approved Project.** The proposed residential and commercial uses would not involve the routine transport, use, or disposal of hazardous materials.

- b) **Same Impact as Approved Project.** The project site has historically been used for manufacturing, and as a foundry and metal pattern shop. Historic operations are not known and these activities may have impacted the subsurface with lubricating oils/greases, solvents, fuels, metals, or other contaminants. In addition, two sumps and patching were observed during the recent 2015 site inspection.

Several areas of suspected mold were observed in southwest corner of the center unit of the building at 106-120 Stockton Avenue; however, no further action is required since this building will be demolished.

The adjacent property to the south has been a foundry and/or automotive repair from 1930 to present. Historical operation practices are not known; however, those typically associated with these facilities may have impacted the subsurface soil and groundwater with hazardous substances that may extend beneath the project site.

Finally, development of the project would require the demolition of existing structures on the site. Due to their age, these structures could contain asbestos building materials and/or lead-based paint. Demolition conducted in conformance with federal, state and local regulations will avoid significant exposure of construction workers and/or the public to asbestos and lead-based paint as set forth in the mitigation below.

**Impact HAZ-1:** Historic activities on the project site have impacted subsurface soil. Additionally, activities on the property immediately south of the site may have resulted in contamination potentially impacting the project site. Finally, the existing buildings to be demolished may contain asbestos or lead-based paint. These conditions represent a potentially significant impact that will be reduced to a less-than-significant level with mitigation identified below, consistent with the measures identified in the Downtown Strategy 2000 Plan and DSAP FEIRs.

### **Mitigation**

MM HAZ-1.1 Once the buildings on the site are demolished, the project proponent shall retain a qualified consultant to conduct additional soil sampling to further delineate the vertical and horizontal contamination on site. If chemicals are detected in excess of regulatory cleanup levels, a Site Management Plan (SMP) or similar shall be prepared to establish protocols/guidelines for the contractor, including: identifying appropriate health and safety measures while working in contaminated areas; handling and disposal of any contaminated soils; and agency notification requirements, subject to the review and approval of the appropriate regulatory agency (e.g., County Health, DTSC, or RWQCB). If during demolition activities any odorous or stained soil is encountered, the project proponent shall retain a qualified consultant to determine if soil sampling is required. In addition, soil and groundwater sampling on the southern/southeastern side of the subject site shall be conducted in conjunction with the above mitigation to determine if the project site has been impacted from adjacent uses.

MM HAZ-1.2 All potentially friable asbestos-containing materials shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb

the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR) Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.

- MM HAZ-1.3 During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employees training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the subject waste.
- c) **Same Impact as Approved Project.** The project is not located within ¼ mile of a school. As described in a) and b) above, appropriate remediation measures will be performed to assure that no hazardous materials are released during construction activities.
  - d) **Same Impact as Approved Project.** The project is not located on a site that is included on a list of hazardous materials sites as per Government Code Section 65962.5 (Cortese List).
  - e) **Same Impact as Approved Project.** The Mineta San José International Airport is located approximately 1.4 miles northeast of the project site. The project is located within the Santa Clara County Airport Land Use Commission's adopted Airport Influence Area for Mineta San José International Airport. For the project site, any proposed structure exceeding approximately 45 feet in height above ground would be required under FAR Part 77 to be submitted to the FAA for airspace safety review. Since the project proposes a building height of 85 feet (rooftop) to 102 feet (with parapet), notification to the FAA would be required. In turn, City General Plan policy would require FAA issuance of "no hazard" determinations prior to development permit approval, with any conditions set forth in an FAA no-hazard determination also incorporated into the City's development permit. Application of this General Plan policy would ensure that the project would not present a potential aviation hazard.
  - f) **Same Impact as Approved Project.** The project is not located within the vicinity of a private airstrip.
  - g) **Same Impact as Approved Project.** The project will not interfere with any emergency response or evacuation plans since it will comply with all Fire Department codes and regulations.
  - h) **Same Impact as Approved Project.** The project will not expose people or structures to risk from wildland fires as it is located in an urban area that is not prone to such events.

### **Hazards and Hazardous Materials Chapter Conclusion**

The Downtown Strategy 2000 Plan FEIR identified potential impacts associated with hazardous materials from redevelopment of properties that may contain contamination, including disturbance of sites containing soil or groundwater contamination or demolition of structures with lead paint and/or asbestos. Mitigation in the DSAP FEIR calls for the preparation of Phase I Assessments for new projects, and, if necessary, the completion of a Phase II Environmental Site Assessment, Human Health Risk Assessment, Remedial Action Plan, and Soil Management Plan as needed.

The DSAP FEIR concluded that with implementation of General Plan policies, appropriate clean-up actions, and precautionary measures, future development under the proposed DSAP would not expose construction workers, the public, or environment to significant hazards related to soil or groundwater contamination. The DSAP also identified potential impacts from above-ground tanks, including a propane tank explosion at the PG&E service center at 308 Stockton Avenue. The FEIR concluded that this did not pose a significant threat since PG&E must comply with very specific local and state regulatory requirements to maintain permits for their current operations, although it did recommend that the presence of the PG&E tank be disclosed to future residents. Finally, future development under the DSAP was not found to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable accident conditions.

The project incorporates remediation and site management measures identified in the Downtown Strategy Plan and DSAP FEIRs to assure that no hazardous materials are released. The proposed project will not result in new or more significant impacts associated with hazards and hazardous materials than those identified in the Downtown Strategy 2000 Plan and DSAP FEIRs.

## **I. HYDROLOGY AND WATER QUALITY**

### **Setting**

The project site is located at approximately 85 feet above mean sea level. The topography of the site is essentially flat. The nearest surface water to the site is the Guadalupe River, which lies approximately 2,500 feet west of the property.

The project site is currently developed, and there are no drainages or other water features on or adjacent to the project site. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps, the site is located in Flood Zones D and AO (depth of 1 foot). Because a portion of the site is located in Zone AO, the finished floor elevation will be required to be more than one foot above the highest grade to the proposed structure. The City does not have building restrictions for Zone D.

Groundwater depth in the project vicinity is reported by the Santa Clara Valley Water District as flowing towards the northeast. Studies in the project area identified groundwater depths of about 15 feet below ground surface. Groundwater direction and depth is variable, as it is influenced by rainfall, tidal effects, and local groundwater pumping.

### **Regulatory Background**

The City of San José is required to operate under a Federal Stormwater National Pollution Discharge Elimination System (NPDES) Permit to discharge stormwater from the City's storm drain system to surface waters. The NPDES permit program is administered by the State Water Quality Control Board (Water Board). The Water Board grants Regional Water Quality Control Boards authority in regulating the NPDES Permit. In 2009, the San Francisco Bay Regional Water Quality Control Board adopted the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP) for 76 Bay Area municipalities, including the City of San José. The Municipal Regional Permit (NPDES Permit No. CAS612008) mandates the City of San José use its planning and development review authority to require that stormwater management measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. Provision C.3 of the MRP regulates the following types of development projects:

- Projects that create or replace 10,000 square feet or more of impervious surface.
- Special Land Use Categories that create or replace 5,000 square feet or more of impervious surface.

The MRP requires regulated projects to include Low Impact Development (LID) practices. These include site design features to reduce the amount of runoff requiring treatment and maintain or restore the site's natural hydrologic functions, source control measures to prevent stormwater from pollution, and stormwater treatment features to clean polluted stormwater runoff prior to discharge into the storm drain system. The MRP requires that stormwater treatment measures are properly installed, operated, and maintained.

The City has developed policies that implement Provision C.3, consistent with the MRP. The City's Post-Construction Urban Runoff Management Policy (6-29) establishes specific requirements include LID design features to minimize and treat stormwater runoff from new and redevelopment projects. The City's Post-Construction Hydromodification Management Policy (8-14) establishes an implementation framework for incorporating measures to control hydromodification impacts from development projects.

### **Hydrology/Water Quality Impacts Analyzed in the Downtown Strategy Plan and DSAP FEIRs**

The Downtown Strategy 2000 Plan FEIR identified potential water quality impacts from construction activities and post-construction operation of new development and set forth mitigation consisting of implementation of Storm Water Pollution Prevention Plans and appropriate Best Management Practices to maintain water quality. The FEIR also identified hydrology and water-quality impacts associated with development within the floodplain, adverse effects from discharge of dewatering effluent containing contamination, and potential inefficient use of water. None of these three latter impacts are relevant to the proposed project.

The DSAP concluded that with implementation of the standard measures, General Plan policies, and existing regulations, future development under the DSAP would not expose people or structures to a significant risk of loss, injury or death involving flooding. Impacts related to construction-related and long-term drainage or water quality and groundwater quality were also found to be less-than-significant.

### **Impacts and Mitigation**

#### ***Thresholds per CEQA Checklist***

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Approved Project	Less Impact Than Approved Project	Source(s)
9. HYDROLOGY AND WATER QUALITY. Would the project:						
a) Violate any water quality standards or waste discharge requirements?				X		1, 2

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Approved Project	Less Impact Than Approved Project	Source(s)
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level (for example, the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X		1, 2
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.				X		1, 2
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?				X		1, 2
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X		1, 2
f) Otherwise substantially degrade water quality?				X		1, 2
g) Place housing within a 100-year flood-hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X		1, 2, 8
h) Place within a 100-year flood-hazard area structures, which would impede or redirect flood flows?				X		1, 2, 8
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X		1, 2
j) Inundation by seiche, tsunami, or mudflow?				X		1, 2

### Explanation

- a) **Same Impact as Approved Project.** The proposed project would not violate any water quality standards or waste discharge requirements as described in c) and e) below.
- b) **Same Impact as Approved Project.** The project would not deplete or otherwise affect groundwater supplies or recharge, since the project is not located within a groundwater recharge area. Groundwater occurs approximately 15 feet below ground surface in the project area.
- c) **Same Impact as Approved Project.** Construction of the project will require grading activities that could result in a temporary increase in erosion affecting the quality of storm water runoff.

This increase in erosion is expected to be minimal, due to the small size and flatness of the site. As a part of the development permit approval, the project will conform to the following standard permit conditions listed below to minimize erosion and water quality impacts, consistent with the mitigation and standards identified in the Downtown Strategy Plan and DSAP FEIRs.

### **Standard Permit Conditions**

#### Construction Measures

Prior to the commencement of any clearing, grading or excavation, the project shall comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit, to the satisfaction of the Director of Public Works, as follows:

1. The applicant shall develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities.
2. The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).

The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication *Blueprint for a Clean Bay*, and include preventing spills and leaks, cleaning up spills immediately after they happen, storing materials under cover, and covering and maintaining dumpsters. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, 200 E. Santa Clara Street, San José, California, 95113. The Erosion Control Plan may include BMPs as specified in ABAG's *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City's storm drainage system from construction activities. For additional information about the Erosion Control Plan, the NPDES Permit requirements or the documents mentioned above, please call the Department of Public Works at (408) 535-8300.

The project applicant shall comply with the City of San José Grading Ordinance, including erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:

1. Restriction of grading to the dry season (April 15 through October 15) or meet City requirements for grading during the rainy season;
2. Utilize on-site sediment control BMPs to retain sediment on the project site;
3. Utilize stabilized construction entrances and/or wash racks;
4. Implement damp street sweeping;
5. Provide temporary cover of disturbed surfaces to help control erosion during construction; and
6. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

### Post-Construction

The project shall comply with applicable provisions of the following City Policies: City Council Policy 6-29 Post-Construction Urban Runoff Management and City Council Policy 8-14 Post-Construction Hydromodification Management.

Details of specific Site Design, Pollutant Source Control, and Stormwater Treatment Control Measures demonstrating compliance with Provision C.3 of the MRP (NPDES Permit Number CAS612008), shall be included in the project design, to the satisfaction of the Director of Planning, Building and Code Enforcement.

The project will not substantially alter existing drainage patterns or cause alteration of streams or rivers by conforming with the requirements of Policy 6-29 and 8-14. The project will not result in substantial erosion or siltation on or off site by complying with the State's Construction Stormwater Permit and the City's Grading Ordinance.

- d) **Same Impact as Approved Project.** The project will not significantly alter the drainage pattern of the site and surrounding area. The project will implement a storm water control plan to manage storm water runoff during and post construction. This plan is presented in Figure 8 and includes bio-retention cells and permeable pavers along the north and south boundaries of the site. Implementation of the proposed storm water control plan in addition to the Standard Permit Conditions identified in c) above, consistent with NPDES Permit and City Policy requirements, will ensure that the course of a water body is not altered and that the rate of surface runoff will not result in on or offsite flooding.
- e) **Same Impact as Approved Project.** The project proposes to connect to the City's existing storm drainage system and is not expected to contribute runoff that will exceed the capacity of existing or planned storm water drainage systems or result in substantial additional sources of polluted runoff because the project includes low impact development design measures to reduce and/or slow the amount of runoff entering the storm drain system. See also c) above.
- f) **Same Impact as Approved Project.** Surface runoff from the proposed development could contain urban pollutants. The project will implement a storm water control plan to treat runoff and protect water quality. See also c) and d) above. The project, therefore, will not further degrade post construction water quality.
- g) **Same Impact as Approved Project.** The project site is located in Flood Zones D and AO (depth of 1 foot). Because a portion of the site is located in Zone AO, the finished floor elevation will be required to be more than one foot above the highest grade to the proposed structure. The City does not have building restrictions for Zone D. An Elevation Certificate for the proposed mixed use building will be required from FEMA (FEMA Form 086-0-33) prior to issuance of a building permit. In addition, building support utility systems (e.g., HVAC, electrical, ductwork) must be elevation above the base elevation or otherwise be protected from flood damage. The project, therefore, will not result in a significant impact related to flooding.
- h) **Same Impact as Approved Project.** See g) above. A portion of the project site is located in flood zone AO. The project will be designed in accordance with the FEMA requirements such that it will not impede or redirect flood flows.

- i) **Same Impact as Approved Project.** The project will not expose people or structures to a significant risk of loss, injury or death involving flooding from levee flooding because no levees are located in the project area.
- j) **Same Impact as Approved Project.** The project site is not located in an area subject to significant seiche, tsunami, or mudflow risk.

### **Hydrology and Water Quality Chapter Conclusion**

The Downtown Strategy 2000 Plan FEIR identified potential water quality impacts from construction activities and post-construction operation of new development, and set forth mitigation consisting of implementation of Storm Water Pollution Prevention Plans and appropriate Best Management Practices to maintain water quality.

The DSAP concluded that with implementation of the standard measures, General Plan policies, and existing regulations, future development under the DSAP would not expose people or structures to a significant risk of loss, injury or death involving flooding. Impacts related to construction-related and long-term drainage or water quality and groundwater quality were also found to be less-than-significant.

The project incorporates stormwater management programs and BMPs to assure maintenance of water quality consistent with the mitigation in the FEIR. The proposed project will not result in new or more significant impacts associated with hydrology and water quality than those identified in the Downtown Strategy 2000 Plan and DSAP FEIRs.

## **J. LAND USE**

### **Setting**

The project site is designated “Transit Employee Center” in the City’s 2040 General Plan Land Use Plan. The entire DSAP area is designated as Urban Village and the DSAP serves as the Urban Village Plan for the planning area. The Urban Village designation is applied to areas planned for higher density housing and significant job growth, typically in proximity to transit, existing services, and other amenities that support their intensification.

The DSAP establishes regulations, implementation strategies and detailed design guidelines for expansion of the existing Diridon Station and the development of land uses within the 250 acre project boundary surrounding the station to encourage appropriate transit-adjacent development within the DSAP area.

Surrounding land uses include industrial uses to the north and south, commercial uses to the east, and rail lines and the San José Arena parking lot to the east. The nearest residential units are located more than 350 feet from the project site.

The site is located within the boundaries of the Santa Clara Valley Habitat Conservation Plan (HCP) area and is designated Urban Suburban.

The project is located about 1.4 southwest of the Mineta San José International Airport. The project is located within the Santa Clara County Airport Land Use Commission’s adopted Airport Influence Area for the airport. For the project site, any proposed structure exceeding approximately 45 feet in height above ground would be required under FAR Part 77 to be submitted to the FAA for airspace safety review. Since the project proposes a building height of 85 feet (rooftop) to 102 feet (with parapet),

notification to the FAA would be required. This is further described in Section H. Hazards and Hazardous Materials of this IS.

### **Land Use Impacts Analyzed in the Downtown Strategy Plan and DSAP FEIRs**

The only significant land use impact identified in the Downtown Strategy Plan FEIR was construction of buildings at heights that would exceed the FAA's imaginary surface restrictions over the project area, or that would stand at least 200 feet in height above ground, which could present potential hazards to safe operation of the San José International Airport. This issue is discussed in the Hazards and Hazardous Materials Chapter of this Addendum.

The DSAP concluded that with implementation of the DSAP Design Guidelines, General Plan policies, the Zoning Ordinance, and other applicable regulations, future development under the DSAP would not result in significant land use impacts.

### **Impacts and Mitigation**

#### ***Thresholds per CEQA Checklist***

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Approved Project	Less Impact Than Approved Project	Source(s)
10. LAND USE AND PLANNING. Would the project:						
a) Physically divide an established community?				X		1, 2
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X		1, 5
c) Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?				X		1

### **Explanation**

- a) **Same Impact as Approved Project.** The project is proposed on an infill site in a developed urban area. The proposed mixed use building will not physically divide an established community.
- b) **Same Impact as Approved Project.** The project's consistency with the 2040 General Plan and the Diridon Station Area Plan is presented below.

#### ***Envision San José 2040 General Plan***

The project is designated in the City's 2040 General Plan as Transit Employment Center with an Urban Village Overlay. The Transit Employment Center designation applies to properties along the east side of Stockton Avenue, between the Alameda and Lenzen Avenue, and north of the San

José Arena are designated Transit Employment Center to provide lands for industrial type uses within walking distance of the Diridon Station. However, because the project site lies within an Urban Village, as does all of the DSAP, it is considered consistent with the 2040 General Plan. The Urban Village designation supports a wide variety of commercial, residential, and institutional land uses with an emphasis on creating an attractive and pedestrian-oriented urban form. This designation supports a floor area ration (FAR) of up to 10.0 and a residential density of up to 250 residential units per acre.

The Urban Village designation, as applied to the Diridon Station area, has a minimum commercial FAR of 0.5 for projects that include residential uses. The commercial component must be constructed simultaneously or prior to the residential component. Since the project includes 37,500 square feet of commercial space, it meets the required 0.5 FAR for the 1.72 acre property. In addition, the project proposes 164 residential units, representing a density of over 95 units/acre, consistent with the Urban Village designation.

*The project is consistent with the 2040 Envision San José General Plan as described above.*

#### *Diridon Station Area Plan*

The subject property is located within an area designated by the Diridon Station Area Plan (DSAP) within the Northern Zone, specifically the “Northern Innovation Zone.” This zone targets development of innovative office environments, product research and development, emerging ‘green’ businesses, and “incubator” space for high-tech startup companies to help promote this district as an area of innovation adjacent to transit. These facilities are intended to be developed in an urban format to align with the goals and vision of the DSAP.

**Density/Intensity.** Given the building height limits per the FAA and other factors such as a high groundwater table that does not allow for subterranean parking, the City recognizes that the maximum density and intensity allowed in the DSAP are not attainable for the project site. The current design maximizes the proposed residential and commercial uses, consistent with the DSAP Urban Village concepts.

**Number of units.** A total of 223 residential units are allocated to Zone C in the Northern Innovation Zone. To date, 168 of these units have been entitled and 55 units remain. However, 155 floating units can be allocated by the City Council to any project site within the DSAP. Therefore, the proposed 164 units would not exceed the maximum allowed build-out of residential units.

**Height.** The maximum permissible height in the subject portion of the Northern Zone is 100 feet. This is consistent with the Federal Aviation Administration’s (FAA) Part 77 Airport Approach Zone height limits and with the Santa Clara County Airport Land Use Commission’s (ALUC) Comprehensive Land Use Plan (CLUP). The project proposes a building height of 85 feet (rooftop) to 102 feet (with parapet) as shown in Figure 7.

**Urban Design.** The project has been designed to incorporate the concepts set forth in the DSAP Design Guidelines for the Northern Innovation zone, including the following:

- Provide articulation by varying the dimensions and height of the building, including use of design features that add variety and texture (see elevations on Figure 7).
- The ground-floor and the second-floor commercial space appear as a single strong transparent base, along with a strong corner element (see Figure 7).
- Use of a consistent architectural theme that utilizes high quality materials that may include reclaimed or reused materials, large spans of glass, perforated metal, corrugated metal, wood, brick, and stone.

**Parking.** The project is consistent with the parking ratios recommended in the DSAP for residential and commercial uses.

**Circulation.** The project is consistent with the following guidelines of the DSAP associated with circulation.

- The project minimizes curb cuts by proposing only a single curb cut at the entrance to the parking garage.
- The project design obscures the vehicle entrance to the garage by integrating it into the building façade, as illustrated in Figure 7.

*Overall, the project is consistent with the DSAP. Any inconsistencies will be resolved during final planning.*

- c) **Same Impact as Approved Project.** The project is located within the boundaries of the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan. Please refer to the discussion in D. Biological Resources of this addendum. The project will not conflict with the HCP.

## Land Use and Planning Chapter Conclusion

The only significant land use impact identified in the Downtown Strategy Plan FEIR was construction of buildings at heights that would exceed the FAA's imaginary surface restrictions. The proposed project will not violate any FAA restrictions as described further in the Hazards and Hazardous Materials Chapter. The DSAP FEIR concluded that redevelopment of the plan area would not have significant land use effects.

The project will not result in new or more significant land use impacts than those identified in the Downtown Strategy 2000 Plan and DSAP FEIRs.

## K. MINERAL RESOURCES

### Setting

The project site is located in downtown San José, and there are no mineral resources are found in the project area, as described further below.

Under the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated only the Communications Hill Area of San José as containing mineral deposits of regional significance for aggregate (Sector EE). There are no mineral resources in the project area. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as

containing mineral deposits that are of statewide significance or for which the significance requires further evaluation. Other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA. The project site lies outside of the Communications Hill area.

### **Mineral Resource Impacts Analyzed in the Downtown Strategy Plan and DSAP FEIRs**

The Downtown Strategy Plan and DSAP FEIRs found no significant impacts related to mineral resources.

### **Impacts and Mitigation**

#### ***Thresholds per CEQA Checklist***

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Approved Project	Less Impact Than Approved Project	Source(s)
11. MINERAL RESOURCES. Would the project:						
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X		1
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X		1

### **Explanation**

- a), b) **Same Impact as Approved Project.** The project site is located outside the Communications Hill area, the only area in San José containing mineral deposits subject to SMARA; therefore, the project will not result in a significant impact from the loss of availability of a known mineral resource.

### **Mineral Resources Chapter Conclusion**

The Downtown Strategy 2000 Plan and DSAP FEIRs found no significant impacts to mineral resources. The project will not impact mineral resources. The project will not result in new or more significant mineral resource impacts than those in the Downtown Strategy 2000 Plan and DSAP FEIRs.

## **L. NOISE**

### **Setting**

A Noise and Vibration Assessment was prepared for the project by Illingworth & Rodkin, Inc. (July 2015) and is contained in Appendix D. This analysis considered noise and vibration sources that could affect the proposed sensitive residential component of the project.

### *Noise Characteristics*

Noise is defined as unwanted or objectionable sound. State and local regulations define objectionable noise levels and identify land use compatibility standards. Sound is comprised of three variables: magnitude, frequency, and duration. The magnitude of air pressure changes associated with sound waves results in the quality commonly referred to as "loudness." Variations in loudness are measured on the "decibel" (dB) scale. On this scale, noise at zero decibels is barely audible, while noise at 120-140 decibels is painful and may cause hearing damage. These extremes are not encountered in commonplace environments. Noise is typically characterized using the A-weighted sound level or dBA. This scale gives greater weight to those frequencies that the human ear is most sensitive.

For evaluating noise over extended periods, the "Day-Night Noise Level" scale (DNL or Ldn) or "Community Noise Equivalent Level" (CNEL) are measures of the average equivalent sound level (Leq) during a 24-hour period. The Leq can be thought of as the steady sound level that, in a stated period of time, would contain the same acoustic energy as the time-varying sound level during the same period. The CNEL and Ldn account for greater sensitivity of noise receptors at night by penalizing noise occurring during evening and nighttime hours.

### *Vibration Characteristics*

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Various methods are used to quantify vibration amplitude. One is the Peak Particle Velocity (PPV) and another is the Root Mean Square (RMS) velocity. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. The RMS velocity is defined as the average of the squared amplitude of the signal. The PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration. For the noise evaluation prepared for this project, a PPV descriptor with units of mm/sec or in/sec is used to evaluate construction generated vibration impacts associated with building damage and human complaints. Vibration may be found to be annoying at different levels, depending on the level of activity and/or the sensitivity of the individual. For sensitive individuals, vibrations approaching the threshold of perception can be annoying.

## **Regulatory Background**

### *San José General Plan*

The City's Envision San José 2040 General Plan includes goals and policies pertaining to Community Noise Levels and Land Use Compatibility (commonly referred to as the Noise Element). The General Plan utilizes the Day-Night Level (DNL) descriptor and identifies interior and exterior noise standards for residential uses. The Envision San José 2040 General Plan and the San José Municipal Code include the following criteria for land use compatibility and acceptable noise levels in the City.

- *EC-1.1* calls for locating new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include the following:




#### Interior Noise Levels

The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. The City requires the incorporation of appropriate site and building design, building construction, and noise attenuation techniques in new development to meet this

standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following the protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard.

#### Exterior Noise Levels

For new multi-family residential projects and for the residential component of mixed-use development, the 60 dB DNL standard is applied to usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways.

<b>EXTERIOR NOISE EXPOSURE (DNL IN DECIBELS DBA)</b> <b>FROM GENERAL PLAN TABLE EC-1: Land Use Compatibility Guidelines for</b> <b>Community Noise in San José</b>						
Land Use Category	Exterior DNL Value In Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arenas, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						
 <b>Normally Acceptable:</b> Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.						
 <b>Conditionally Acceptable:</b> Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.						
 <b>Unacceptable:</b> New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. (Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.)						

- *Policy EC-1.14* requires acoustical analyses for proposed sensitive land uses in areas with exterior noise levels exceeding the City's noise and land use compatibility standards to base noise attenuation techniques on expected General Plan traffic volumes to ensure land use compatibility and General Plan consistency.
- *Policy EC-1.2* considers noise impacts significant if a project would increase noise levels on adjacent sensitive land uses including residences as follows:
  - Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or
  - Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

- *Policy EC-1.3* calls for mitigating noise generation of new nonresidential land uses to 55 dBA Ldn at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.
- *Policy EC-1.6* regulates the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.
- *Policy EC-1.7* requires construction operations to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:
  - Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.
- *Policy EC-2.1* requires that for development near light and heavy rail lines or other sources of groundborne vibration, minimize vibration impact on people, residences, and businesses through the use of setbacks and/or structural design features that reduce vibration to levels at or below the guidelines of the Federal Transit Administration. Require new development within 100 feet of rail lines to demonstrate prior to project approval that vibration experienced by residents and vibration sensitive uses would not exceed these guidelines.
- *Policy EC-2.3* requires new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

#### *San José Municipal Code*

Per the San José Municipal Code Title 20 (Zoning Ordinance) Noise Performance Standards, the sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in Table 6 below at any property line, except upon issuance and in compliance with a Special Use permit as provided in Chapter 20.100.

<b>Table 6</b>	
<b>Municipal Code Noise Performance Standards</b>	
<b>Maximum Noise Level in Decibels at Property Line</b>	
Uses adjacent to a property used or zoned for residential purposes	55
Uses adjacent to a property used or zoned for commercial purposes	60
Uses adjacent to a property used or zoned for industrial or use other than commercial or residential purposes	70

### *Regulatory Criteria – Vibration*

The City of San José has not identified quantifiable vibration limits that can be used to evaluate the compatibility of land uses with vibration levels experienced at a project site. Although there are no local standards that control the allowable vibration in a new residential development, the U.S. Department of Transportation has developed vibration impact assessment criteria for evaluating vibration impacts associated with transit projects. The Federal Transit Administration (FTA) has proposed vibration impact criteria based on maximum overall levels for a single event. The impact criteria for groundborne vibration are shown in Table 7 below. Note that there are criteria for frequent events (more than 70 events of the same source per day), occasional events (30 to 70 vibration events of the same source per day), and infrequent events (less than 30 vibration events of the same source per day).

<b>Table 7</b>			
<b>Groundborne Vibration Impact Levels</b>			
<b>Land Use Category</b>	<b>Vibration Levels</b>		
	<b>Frequent Events<sup>1</sup></b>	<b>Occasional Events<sup>2</sup></b>	<b>Infrequent Events<sup>3</sup></b>
<b>Category 1</b> Buildings where vibration would interfere with interior operations.	65 VdB <sup>4</sup>	65 VdB <sup>4</sup>	65 VdB <sup>4</sup>
<b>Category 2</b> Residences and buildings where people normally sleep.	72 VdB	75 VdB	80 VdB
<b>Category 3</b> Institutional land uses with primarily daytime use.	75 VdB	78 VdB	83 VdB

### *Existing Noise Environment*

The project site is located just northeast of Stockton Avenue, west of the railroad tracks and the San José Arena, and north of Diridon Station. Industrial uses are located north and south of the site. Commercial uses are west of the site. Existing noise at the site is generated primarily from traffic on Stockton Avenue and passenger and freight train activity associated with the nearby rail line that accesses Diridon Station. Intermittent noise from aircraft over flights also contributes to the noise environment in the project area.

A noise monitoring survey was conducted between June 11, 2015 and June 16, 2015 to document existing noise conditions at the project site. The noise monitoring survey included two long-term noise measurements (LT-1 and LT-2) and one short-term measurement (ST-1). Noise measurements locations are shown in Figure 13.

Long-term noise measurement LT-1 was located at the west corner of the project site approximately 75 feet from the center of Stockton Avenue and about 12 feet above the ground. Noise levels measured at this site were primarily the result of traffic on Stockton Avenue and intermittent noise from train operations on the adjacent rail lines. During the approximate four day monitoring period, several events occurred at the Arena (SAP Center) and were monitored to determine if these events elevated noise levels in the project vicinity. On Friday, June 12, 2015 there was a concert called “June Boom” that featured several DJs; on Saturday, June 13 an arena football game occurred; and on Sunday June 14, a concert featuring Mana, a Latin rock band, was held. A review of the noise data collected at LT-1 did not indicate that parking lot noise or other related noise occurring at the SAP Center elevated noise levels at

the project site. Train activity along the rail lines was the dominant noise source throughout the duration of the noise monitoring. Hourly average noise levels typically ranged from 60 to 65 dBA Leq during the day and from 53 to 62 dBA Leq at night. The calculated day-night average noise level at this location ranged from 65 to 66 dBA Ldn.

Long-term noise measurement LT-2 was located at the northern corner of the project site, adjacent to an existing light industrial building, and approximately 80 feet from the nearest passenger train rail line. The microphone was positioned about 12 feet above the ground. Noise levels measured at this site were primarily the result of train activity related to the Diridon Station and intermittent noise from aircraft over flights. Hourly average noise levels typically ranged from 61 to 72 dBA Leq during the day and 48 to 72 dBA Leq at night. The calculated day-night average noise level at this location ranged from 68 to 73 dBA Ldn.

### *Existing Vibration Environment*

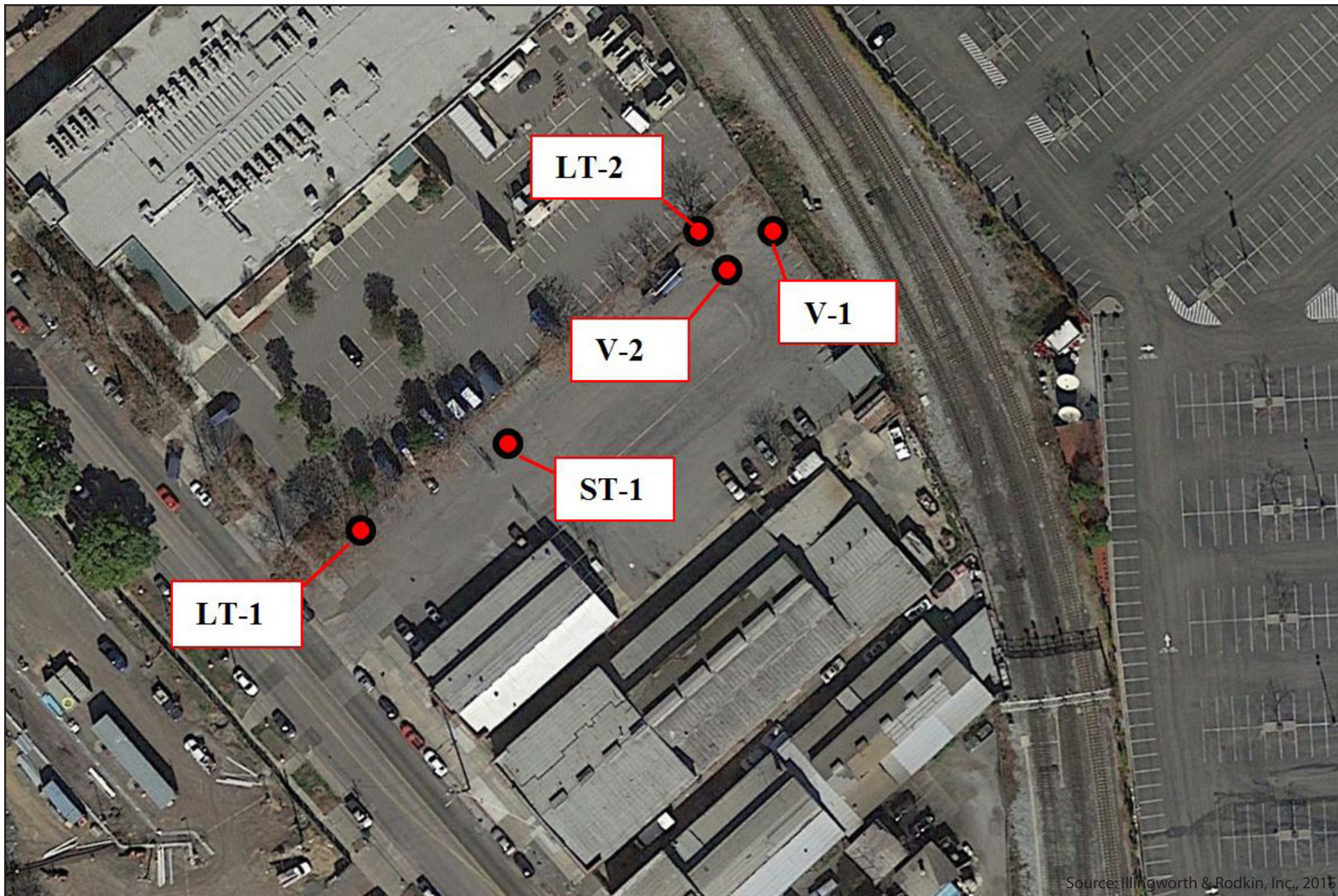
Groundborne vibration at the site is generated by passing railroad trains. Vibration measurements of railroad trains were made on Thursday, June 11, 2015 and Thursday, June 18, 2015 at two locations (V-1 and V-2), approximately 40 feet and 80 feet from the nearest railroad tracks. These locations represent the northeastern most boundaries of the nearest residential units proposed by the project. The locations of these measurements are shown in Figure 13. Vibration levels measured on the site are representative of vibration levels at ground level (i.e., vibration levels that would enter the building foundation).

Observations and measurements were made between 12:00 pm and 1:00 pm on June 11, 2015. During this period, five passenger trains passed the site. Passenger trains consisted of Caltrain and Amtrak trains. No freight trains were observed during the monitoring period. On June 18, 2015, measurements were made between approximately 11:00 am and 12:30 pm. During this period, four Caltrain passenger trains passed the site. No freight trains were observed during the two monitoring periods.

Vibration data were obtained during nine passenger train passbys (one Amtrak and eight Caltrain) to get a representative sample of vibration levels at the site. At the 40 foot location, Caltrain and Amtrak passbys resulted in maximum overall levels ranging from 58 to 61 VdB due to the slow travel speed of trains near the Diridon Station. At the 80 foot location, vibration levels were even lower. Vibration levels measured at approximately 40 and 80 feet from the UPRR fall below the FTA's 72 VdB "frequent events" criteria for a general vibration assessment and below the FTA's criteria for conducting a detailed vibration analysis.

### **Noise Impacts Analyzed in the Downtown Strategy Plan and DSAP FEIRs**

The Downtown Strategy 2000 Plan FEIR found that future residential uses in the downtown area could be subject to noise impacts from aircraft, rail, and traffic noise. The FEIR also concluded that new development would result in significant short-term noise impacts from construction. Mitigation was identified in the Downtown Strategy Plan FEIR to reduce the significant noise impacts to a less-than-significant level. This mitigation included 1) application of City noise policies and standards in evaluating specific development projects, 2) site-specific noise studies for new residential development to determine specific design measures to reduce interior noise levels to conform to State Title 24 requirements, 3) siting outdoor activity areas in shielded locations onsite, and 4) use of standard noise abatement measures during construction. In addition, the FEIR identified that property owners grant an aviation easement to the City of San José to accept aircraft noise impacts.



Noise/Vibration Measurement Locations

The DSAP FEIR identified significant noise impacts from additional traffic associated with future build-out of the plan area along certain streets. No specific measures were identified to mitigate for this noise impact.

## Impacts and Mitigation

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Approved Project	Less Impact Than Approved Project	Source(s)
12. NOISE. Would the project result in						
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?				X		9
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?				X		9
c) Substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X		9
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X		9
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X		9
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X		9

## Explanation

The following criteria were used to evaluate the significance of environmental noise resulting from the project

- For residential noise and land use compatibility, exterior noise levels must be maintained at or below 60 dBA Ldn and interior noise levels must be maintained at or below 45 dBA Ldn. Noise levels resulting from the operation of the project must be maintained at or below 55 dBA Ldn at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.
- The project would expose persons to vibration levels that would exceed the FTA criteria for groundborne vibration.
- Construction of the project would expose persons to excessive vibration levels. Groundborne vibration levels exceeding 0.2 in/sec PPV would have the potential to result in cosmetic damage to buildings located on parcels adjoining the project site.

- Traffic generated by the project would substantially increase noise levels at sensitive receptors in the vicinity. A substantial increase would occur if: a) the noise level increase is 5 dBA Ldn or greater, with a future noise level of less than 60 dBA Ldn, or b) the noise level increase is 3 dBA Ldn or greater, with a future noise level of 60 dBA Ldn or greater.
  - Construction related noise would temporarily increase ambient noise levels at sensitive receptors. Hourly average noise levels exceeding 60 dBA Leq, and the ambient by at least 5 dBA Leq, for a period of one year or more, constitute a significant temporary noise increase at adjacent residential land uses.
- a) **Same Impact as Approved Project.** The proposed residential component of the project is considered a noise-sensitive use. Residential uses developed at the project site would be exposed to exterior noise levels greater than 60 dBA Ldn, which exceeds the noise and land use compatibility standards presented in the City of San José General Plan. Interior noise levels would be expected to exceed 45 dBA Ldn without the incorporation of noise insulation features. The results of the noise assessment is presented below.

#### *Future Exterior Noise*

The future noise levels at the project site will be generated primarily by vehicular traffic along Stockton Avenue and railroad operations along the rail line associated with Diridon Station. Future transportation-related noise levels at the project site were calculated based on adjustments made to existing noise level data, assuming future increases in traffic along area roadways and the railroad. Noise levels throughout the project site would exceed the City of San José's "satisfactory" noise and land use compatibility goal of 60 dBA Ldn, but would vary depending upon the proximity of receptors to area roadways and the presence of shielding features (e.g., proposed buildings) located between the receptors and the noise source.

The California High Speed Train (HST) San José to Merced Section is proposed to pass through the City of San José and utilize the Diridon Station. The HST is currently planned to operate on an elevated structure along the existing rail right-of-way from just north of Santa Clara Street to just south of Park Avenue as described in the Diridon Station Area Plan, Integrated Final Program EIR.

Representative noise and vibration data for the proposed HSR project was obtained from various sources, including data from published environmental documents that have studied the project and data provided by the California High Speed Rail Authority, most of which was based on the U.S. DOT High Speed Ground Transportation Noise and Vibration Impact Assessment. Noise and vibration studies and EIRs that were utilized in this assessment were programmatic, as specific development plans for the HST have not been finalized.

For the purpose of this analysis, credible worst case assumptions were made regarding the speed, frequency, location of right-of-way, and other factors. This analysis assumes that trains will travel on an aerial platform (approximately 24 feet above grade) past the site at maximum speeds of 125 mph or less. The average train frequency on a given alignment segment would be approximately 10 trains per hour per direction, although the frequency of passbys would vary throughout the day.

Using data from the California HST Program EIR/EIS, day-night average noise levels are anticipated to range from 60 - 70 dBA Ldn at the eastern boundary of the site, and maximum noise levels generated by a passing HST are anticipated to reach approximately 75 to 80 dBA

Lmax. The HST would make an incremental contribution to the total noise level of less than 1 dBA Ldn, and maximum noise levels from trains passing by would be below the noise levels generated by trains utilizing the existing corridor. However, there are other considerations. If the HST is placed on an aerial structure, as currently planned, noise mitigation would need to be incorporated into the HST project design, which will be determined during the project-level environmental analysis for the San José portion of the California HST project.

Traffic noise levels along Stockton Avenue are calculated to increase by 1 dBA Ldn, and day-night average noise levels from Park Avenue traffic are calculated to reach 68 dBA Ldn at the proposed setback of residential land uses nearest the roadway. The future exterior noise environment at residential land uses proposed adjacent to the rail line and Diridon Station would continue to result from train activity occurring adjacent to the site. Future day-night average noise levels are calculated to reach 76 dBA Ldn at the proposed setback of residential land uses nearest the rail lines.

Two podium level courtyard are proposed, one located in the interior of the site and one located along the northeastern portion of the property. One podium level deck area is proposed along the Stockton Avenue frontage. The interior common outdoor area would be shielded from traffic and railroad train noise by the apartment buildings. Exterior noise levels are calculated to be 52 dBA Ldn at the interior common area, when accounting for the shielding provided by the proposed building structures. The courtyard located along the northeastern portion of the property would be shielded from train passbys by its elevation on the third floor which would block the line-of-sight to train activity. Exterior noise levels are calculated to be 60 dBA Ldn at the northeastern courtyard. The podium level deck along the Stockton Avenue frontage would also be shielded from traffic noise by its elevation on the third floor. Exterior noise levels are calculated to be 56 dBA Ldn at the deck. Due to the increased distance from transportation noise sources, shielding provided by the apartment buildings, and elevation of podium level outdoor use areas, exterior noise levels at the common outdoor use areas would meet the City's "acceptable" exterior noise level limit of 60 dBA Ldn.

#### *Future Interior Noise*

Residential buildings on the project site will be exposed to future noise levels greater than 60 dBA Ldn with the highest future noise exposures occurring nearest Stockton Avenue and the Diridon Station. Unshielded residential facades nearest Stockton Avenue and Diridon Station would be exposed to exterior noise levels up to 68 and 76 dBA Ldn, respectively. Interior noise levels within new residential units are required to be maintained at or below 45 dBA Ldn. Interior noise levels will vary depending on the design of the buildings (relative window area to wall area) and construction materials and methods. Standard residential construction provides approximately 15 dBA of exterior to interior noise reduction assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces.

In exterior noise environments ranging from 60 dBA Ldn to 65 dBA Ldn, interior noise levels can typically be maintained below City and State standards with the incorporation of an adequate forced air mechanical ventilation system in each residential unit. In noise environments of 65 dBA Ldn or greater, a combination of forced-air mechanical ventilation and sound-rated construction methods is often required to meet the interior noise level limit. Attaining the necessary noise reduction from exterior to interior spaces is readily achievable in noise environments less than 75 dBA Ldn with proper wall construction techniques, the selections of proper windows and doors, and the incorporation of forced-air mechanical ventilation systems.

In conclusion, proposed residential uses developed at the project site would be exposed to exterior noise levels greater than 60 dBA Ldn, which exceeds the noise and land use compatibility standards presented in the City of San José General Plan. Interior noise levels would be expected to exceed 45 dBA Ldn without the incorporation of noise insulation features. The project proposes to implement the recommendations in the noise assessment to reduce noise impacts to a less-than-significant level as set forth in the mitigation below, consistent with the measures identified in the FEIRs.

**Impact NOI-1:** The proposed residences would be exposed to exterior noise levels greater than 60 dBA DNL.

MM NOI-1.1 The following measures shall be completed prior to the issuance of building permit:

- Project-specific acoustical analyses shall be performed to confirm that interior noise levels will be reduced to 45 dBA Ldn or lower. The specific determination of the noise insulation treatments necessary shall be conducted on a unit-by-unit basis. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City along with the building plans and approved prior to issuance of a building permit.
- Building sound insulation requirements shall include the provision of forced-air mechanical ventilation for units throughout the site, so that windows can be kept closed at the occupant's discretion to control noise.
- Provide sound rated windows and doors to maintain noise levels at acceptable levels. Preliminary calculations made based on the data contained in the conceptual design plans indicate that sound-rated windows and doors with a sound transmission class rating of STC 28 would be sufficient to control noise and achieve the 45 dBA Ldn interior noise standard at residential facades with line-of-sight to Stockton Avenue. The results of the calculations showed that windows with line of sight to Diridon train station should be 34 STC or greater.

- b) **Same Impact as Approved Project.** Vibration generated by passing high-speed trains may exceed the FTA guidelines for acceptable vibration levels. Based on observations made at the project site during noise and vibration measurements, it is likely that train activity at the Diridon Station would reach 70 trains per day. Many of these trains pass during evening and nighttime hours when people are normally at rest. Future conventional train activity would be considered "frequent" with respect to the FTA vibration impact criteria. The 72 VdB limit is used in the evaluation of the project with respect to vibration compatibility. Residential units proposed by the project would be located a minimum of 40 feet from the conventional railroad tracks and would be exposed to vibration levels of about 58 to 61 VdB. Residential land uses would not be exposed to vibration levels greater than the 72 VdB vibration limit for "frequent events" and the impact is considered less-than-significant.

Using data from the California HST Program EIR/EIS, the potential for vibration impacts increases with proximity between the buildings and tracks. Where speeds are expected to be low, the vibration is confined to within 100 feet of the track. Given the setback of the proposed

residences, vibration levels could possibly exceed the 72 VdB vibration limit for “frequent events;” however, it is not known at this time where the future HSR line will be located. Since the project is likely to be developed before the HSR line is constructed or operational, the mitigation for vibration impacts from the HSR would be the responsibility of the California High Speed Rail Authority. The City of San José will continue to coordinate with the California High Speed Rail Authority to ensure that HST incorporates appropriate mitigation measures to minimize vibration effects on adjacent planned residential uses.

Construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g. jackhammers, etc.) are used in areas adjoining developed properties. The City of San José requires that new development minimize vibration impacts to adjacent uses during demolition and construction activities. General Plan Policy EC-2.3 establishes a vibration limit of 0.08 in/sec PPV for sensitive historic structures and 0.20 in/sec PPV for residential buildings of normal conventional construction. The California Department of Transportation uses a vibration limit of 0.3 in/sec PPV for buildings structurally sound and designed to modern engineering standards.

No sensitive historic buildings, buildings that are documented to be structurally weakened, or residential buildings adjoin the project site. Therefore, groundborne vibration levels exceeding 0.2 in/sec PPV would not have the potential to result in a significant vibration impact at adjacent off-site residential buildings.

Project construction activities such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may generate substantial vibration in the immediate vicinity of the work area. Jackhammers typically generate vibration levels of 0.035 in/sec PPV and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. Vibration levels from typical construction activities would be expected to be below the 0.2 in/sec PPV significance thresholds. Vibration generated by construction activities near the common property line would at times be perceptible, however, would not be expected to result in “architectural” damage to these buildings.

- c) **Same Impact as Approved Project.** The proposed mixed use development is not expected to result in permanent ambient noise increases above existing noise levels from operational sources. Noise will be generated on the site in the short-term during construction activities as described in d) below. Traffic data from the DSAP FEIR and project specific trip generation rates were reviewed to calculate potential project-related traffic noise level increases along roadways serving the project site. These data included turning movement counts at numerous intersections for existing conditions and projections for existing plus project, background, and background plus project traffic conditions. Roadway link volumes were calculated based on the turning movement data and compared to existing conditions in order to calculate the anticipated noise level increase under each scenario, and the project’s relative contribution under each scenario. Based on this comparison, traffic noise levels along roadways serving the project site are anticipated to increase by less than 1 dBA Ldn as a result of the project. The project would not result in a measureable increase in noise at sensitive residential receivers in the vicinity and the impact is less-than-significant.
- d) **Same Impact as Approved Project.** Construction of the project will temporarily elevate noise levels in the immediate project area from the use of construction equipment. Noise generated by construction activities at the site would not be expected to adversely affect adjacent land uses.

The City of San José requires construction operations to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

Noise impacts resulting from construction depend on the noise generated by various pieces of construction equipment, the timing and duration of noise generating activities, and the distance between construction noise sources and noise sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise sensitive land uses, or when construction lasts over extended periods of time.

Construction activities generate considerable amounts of noise, especially during earth moving activities when heavy equipment is used. The highest maximum noise levels generated by project construction would typically range from about 90 to 95 dBA at a distance of 50 feet from the noise source. Typical hourly average construction generated noise levels are about 81 dBA to 88 dBA measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.). Hourly average noise levels generated by the construction of residential units would range from about 65 dBA to 88 dBA measured at a distance of 50 feet depending on the amount of activity at the site. Construction generated noise levels drop off at a rate of about 6 dBA per doubling of distance between the source and receptor. Shielding by buildings or terrain often result in lower construction noise levels at distant receptors.

Project construction is estimated to take 18 months to complete. The project is anticipated to require a total of 10 months to demolish the existing building on the site and construct the proposed buildings. All exterior demolition and construction would be completed within approximately seven months, and once construction moves indoors, minimal noise would be generated at off-site locations. Noise generated by construction activities would temporarily elevate noise levels at adjacent noise sensitive receptors, but this would be considered a less-than-significant impact assuming that construction activities are conducted in accordance with the provisions of the City of San José and with the implementation of the following construction best management practices required as standard permit conditions as part of project approval.

#### **Standard Permit Conditions**

- Construction will be limited to the hours of 7:00 am to 7:00 pm Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

- Permitted work activities shall be conducted exclusively within the interior of enclosed building structures provided that such activities are inaudible to existing adjacent residential uses. Exterior generators, water pumps, compressors, and idling trucks are not permitted. The developer shall be responsible for educating all contractors and subcontractors of said construction restrictions. Rules and regulation pertaining to all construction activities and limitations identified in this permit, along with the name and telephone number of a developer appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site. The Director of Planning, at his discretion, may rescind provisions to allow extended hours of construction activities on weekends upon written notice to the developer.
- The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.
- Locate stationary noise generating equipment as far as possible from sensitive receptors. Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.
- The developer will implement the following measures to minimize construction noise impacts on the surrounding sensitive land uses to the fullest extent possible. The measures may include, but not be limited to, the following:
  - Early and frequent notification and communication with the neighborhood of the construction activities and construction schedule.
  - Prohibit unnecessary idling of internal combustion engines.
  - Best available noise control practices (including mufflers, intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds) shall be used for all equipment and trucks in order to minimize construction noise impacts.
  - If impact equipment (e.g., jack hammers, pavement breakers, or rock drills) is needed during Project construction, hydraulically or electric-powered equipment shall be used wherever feasible to avoid the noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used. External jackets on the tools themselves shall also be used if available and feasible.
  - Locate equipment at the work area to maximize the distance to noise-sensitive receptors and to take advantage of any shielding that may be provided by other on-site equipment.
  - Designate a “noise disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.

e) **Same Impact as Approved Project.** The project site would not be significantly impacted by aircraft noise. According to the City’s current and projected aircraft noise contours for San José

International Airport, the project site is located outside the 65 dBA CNEL impact area. The Santa Clara County ALUC's Comprehensive Land Use Plan for the airport also shows the project site located outside its projected 65 dBA CNEL contour. In addition, in compliance with City General Plan and ALUC policy, dedication of an aviation easement would be required at the time of development permit approval to provide for acceptance of aircraft noise impacts as well as building elevation limits.

- f) **Same Impact as Approved Project.** The project is not located near any private airstrips.

## **Noise Chapter Conclusion**

The Downtown Strategy 2000 Plan FEIR identified potential noise impacts to proposed residential uses in the downtown area from aircraft, rail, and traffic, and presented mitigation to reduce these impacts to less-than-significant levels. The FEIR also identifies construction noise as a significant impact that would be reduced to a less-than-significant level with incorporation of standard construction noise abatement measures. As described above, an acoustical study was prepared for the project and the project will incorporate the design measures identified in the study. In addition, the project will implement noise abatement measures during construction.

The DSAP FEIR indicated that implementation of General Plan policies and other applicable regulations will ensure that future development allowed under the DSAP would not be exposed to interior and exterior noise levels in excess of City standards in the long- or short-term. Future development under the DSAP would not expose people residing or working in the Plan area to excessive noise levels associated with aircraft operations. The DSAP FEIR identified significant noise impacts from additional traffic associated with future build-out of the plan area along certain streets; however, the site-specific noise assessment for the project determined that no significant noise impacts would result from the increase in traffic. No specific measures were identified to mitigate for this noise impact in the FEIR and the City Council adopted a statement of overriding considerations for the impact.

The project will not generate new or more significant noise impacts than those identified in the Downtown Strategy 2000 Plan and DSAP FEIRs.

## **M. POPULATION AND HOUSING**

### **Setting**

Table 8 below summarizes the existing and projected population, housing, and employment data for San José (as per the Envision San José General Plan EIR). Since 2000, the population of San José has increased by an average of 12,795 residents per year, reaching 1,023,083 at the beginning of 2010. More than half of the City's housing stock is comprised of single-family detached units, although multi-family development (i.e., apartments, condominiums, and townhouses) has been the fastest growing housing type in recent years, accounting for 75 percent of all residential construction since 2000. The average household size is expected to decrease from the current rate of 3.2 people to about 3.06 people by 2035.

<b>Table 8</b> <b>Population, Housing, and Employment in San José</b>			
	<b>Existing (2008)</b>	<b>ABAG Projections for 2035</b>	<b>2040 General Plan</b>
Population	985,307	1,380,900	1,313,811
Households/Dwelling Units	309,350	435,110	429,350
Employed Residents	460,443	774,320	665,493
Jobs	369,450	708,980	839,450

### **Population/Housing Impacts Analyzed in the Downtown Strategy Plan and DSAP FEIRs**

The Downtown Strategy Plan FEIR determined that the scale of population and employment growth would not constitute significant or adverse growth inducement since the Strategy Plan would facilitate the reuse of underutilized land in an existing urban setting served by transit and services. Furthermore the Downtown Strategy FEIR concluded that the project would not cause growth beyond that anticipated in the City's General Plan.

The DSAP FEIR found that development under the proposed DSAP would not induce substantial population growth in San José displace substantial amounts of existing housing or people. However, future development under the proposed DSAP was found to make a substantial contribution to the significant unavoidable impact related to the jobs/housing imbalance.

### **Impacts and Mitigation**

#### ***Thresholds per CEQA Checklist***

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Approved Project	Less Impact Than Approved Project	Source(s)
13. POPULATION AND HOUSING. Would the project:						
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X		1
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X		1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X		1

### **Explanation**

- a) **Same Impact as Approved Project.** The proposed mixed use development is intended to meet the local demand for apartment housing and would not result in substantial population growth. The project would add 164 apartment units that would increase population in the City of San José by approximately 507 people (based on 3.09 persons/unit). This represents a minor increase in the City's overall population and is consistent with growth planned in the 2040 General Plan.

- b) **Same Impact as Approved Project.** The proposed mixed use development will not displace existing housing since it is not removing any housing stock.
- c) **Same Impact as Approved Project.** The proposed mixed use development will not displace substantial numbers of people.

## **Population and Housing Chapter Conclusion**

The Downtown Strategy Plan FEIR found no significant impacts to population or housing. The project will not impact population or housing, or induce substantial growth.

The DSAP FEIR found that development under the proposed DSAP would not induce substantial population growth in San José displace substantial amounts of existing housing or people. However, future development under the proposed DSAP was found to make a substantial contribution to the significant unavoidable impact related to the jobs/housing imbalance. This was deemed unavoidable and a statement of overriding consideration was adopted by the City Council for this impact.

The project will not result in new or more significant population or housing impacts than those in the Downtown Plan and DSAP FEIRs.

## **N. PUBLIC SERVICES**

### **Setting**

**Fire Protection:** The project site is located within the service area of the San José Fire Department (SJFD). The closest fire station to the project site is Station 30, located at 454 Auzerias Avenue, approximately one mile from the project site.

**Police Protection:** Police protection is provided to the project area by the San José Police Department (SYPD).

**Schools:** The project is located within the San José Unified School District (SJUSD), the largest district in the City. Schools in the SJUSD serving the greater downtown San José area are listed below.

- Hester Elementary School, 1460 The Alameda
- Horace Mann Elementary School, 55 N. 7<sup>th</sup> Street
- Gardner Elementary School, 502 Illinois Avenue
- Grant Elementary School, 470 Jackson Street
- Lowell Elementary School, 625 S. 7<sup>th</sup> Street
- Herbert Hoover Middle School, 1635 Park Avenue
- Abraham Lincoln Senior High School, 555 Dana Avenue

State law (Government Code §65996) identifies the payment of school impact fees as an acceptable method of offsetting a project's impact on school facilities. In San José, developers can either negotiate directly with the affected school district or make a payment of \$3.20 per square foot of multi-family units (prior to the issuance of a building permit) and \$0.51 per square foot of new commercial uses. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

**Parks:** There are several park facilities in the project area; those nearest to the project site are as follows:

- Cahill Park, located at W. San Fernando Street and Wilson Street, 0.3 miles to the southwest
- Arena Green, located adjacent to the SAP Center 0.3 miles to the east
- Guadalupe River Park, access at Guadalupe River and Santa Clara Street 0.8 miles to the north

**Libraries:** The San José Public Library System consists of one main library and 18 branch libraries. The Dr. Martin Luther King Jr. Main Library, operated jointly with San José University serves the downtown area. The library is located at 150 E. San Fernando Street. The East San José Carnegie branch is also located downtown at 1102 E. Santa Clara Street.

### **Public Service Impacts Analyzed in the Downtown Strategy Plan FEIR**

The Downtown Strategy Plan FEIR found that implementation of the Strategy Plan would not result in significant impacts to public facilities and services. The DSAP FEIR found that build-out would contribute to increased demand for fire and police protection services, libraries, school, parkland, and recreational facilities in San José, but planned growth is not anticipated to result in the need for construction of facilities in excess of those currently planned. This was determined to be a less-than-significant impact.

### **Impacts and Mitigation**

#### ***Thresholds per CEQA Checklist***

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Approved Project	Less Impact Than Approved Project	Source(s)
14. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:						
a) Fire protection?				X		1, 2
b) Police protection?				X		1, 2
c) Schools?				X		1, 2
d) Parks?				X		1, 2
e) Other public facilities?				X		1, 2

### **Explanation**

- a) **Same Impact as Approved Project.** The project could result in an incremental increase in the demand for fire protection services. The project proponent will consult with the San José Fire Department during final project design to assure appropriate fire safety measures are incorporated into the project. The project would not significantly impact fire protection services or require the construction of new or remodeled facilities.
- b) **Same Impact as Approved Project.** The project could result in an incremental increase in the demand for police protection services. The project proponent will consult with the San José Police Department during final project design to assure appropriate security measures are incorporated into the project. The project would not significantly impact police protection services or require the construction of new or remodeled facilities.

**Same Impact as Approved Project.** Based on student generation rates for the San José Unified School District, the residential component of the project will generate approximately 44.61 new students as follows: 22.8 students in grades K-5; 9.68 students in grades 6-8; and 12.13 students in high school. In addition, the commercial space will generate approximately 6.4 students.<sup>10</sup>

The project would be subject to developer fees to accommodate the incremental demand on school services, including the state-mandated school district impact fee, which will mitigate for increased demands on school services.

- c) **Same Impact as Approved Project.** The City's Parkland Dedication Ordinance and Park Impact Ordinance require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks. The project would be subject to developer fees to accommodate its incremental demand on park services from the proposed residential component.
- d) **Same Impact as Approved Project.** The project will not adversely impact other public services, consistent with the findings of the Downtown Strategy Plan and DSAP FEIRs, which did not identify significant impacts to public services and facilities.

### **Public Services Chapter Conclusion**

The Downtown Strategy Plan FEIR found no significant impacts to public facilities or services. The project will not adversely impact public services, consistent with the findings of the Downtown Strategy Plan FEIR.

The DSAP FEIR found that build-out would contribute to increased demand for fire and police protection services, libraries, school, parkland, and recreational facilities in San José, but planned growth is not anticipated to result in the need for construction of facilities in excess of those currently planned. This was determined to be a less-than-significant impact.

The project will not result in new or more significant impacts to public services than those in the Downtown Plan and DSAP FEIRs.

## **O. RECREATION**

There are several parks in downtown San José. The two nearest parks to the project site are as follows:

- Cahill Park, located at W. San Fernando Street and Wilson Street, 0.3 miles to the southwest.
- Arena Green, located adjacent to the Arena, 0.3 miles to the east.

The City of San José has adopted the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) to compensate for the increase in demand for neighborhood parks from new residential development.

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<sup>10</sup> Source: SJUSD Development Fee Justification Study (2014).

## **Recreation Impacts Analyzed in the Downtown Strategy Plan FEIR**

The Downtown Strategy Plan FEIR found no significant impacts to public services, which included recreational facilities. The DSAP FEIR concluded that future development within the plan area would contribute to increased demand for recreational facilities in San José, but planned growth was not anticipated to result in the need for construction of recreational facilities in excess of those currently planned.

### **Impacts and Mitigation**

#### ***Thresholds per CEQA Checklist***

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Approved Project	Less Impact Than Approved Project	Source(s)
15. RECREATION. Would the project:						
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X		1
b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?				X		1

### **Explanation**

- a), b) **Same Impact as Approved Project.** The development of 164 apartments on the project site could increase the number of residents in the project area by approximately 507 people (based on 3.09 persons/unit). This would incrementally increase the demands on nearby recreational facilities. The City of San José has adopted the Parkland Dedication Ordinance and Park Impact Ordinance, which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks. The project would be required to comply with the City's park ordinances, which would offset impacts to park/recreation facilities.

### **Recreation Chapter Conclusion**

The Downtown Strategy Plan FEIR found no significant impacts to public services, which included recreational facilities. The DSAP FEIR concluded that future development within the plan area would contribute to increased demand for recreational facilities in San José, but planned growth was not anticipated to result in the need for construction of recreational facilities in excess of those currently planned.

The project will not result in new or more significant impacts to recreational facilities than those in the Downtown Plan and DSAP FEIRs.

## **P. TRANSPORTATION**

### **Setting**

This discussion is based on an operational traffic study prepared by Hexagon Transportation Consultants, Inc. (July 2015). This study is contained in Appendix E. Since the project site is located in the Downtown Core area boundary, it is covered under the San José Downtown Strategy 2000 EIR. Accordingly, City staff has already concluded that the project is in conformance with the City of San José Transportation Level of Service Policy (Council Policy 5-3) and will not require preparation of a comprehensive Transportation Impact Analysis (TIA). A traffic operations study was prepared in order to identify potential operational access issues that could occur as a result of the proposed project.

#### *Existing Roadway Network*

Regional access to the project site is provided by State Route (SR) 87 and Interstate 880. Local site access is provided by The Alameda/W. Santa Clara Street, Stockton Avenue, and W. Julian Street. The local roadways and SR 87 are described below.

**State Route (SR) 87** is primarily a six-lane freeway (four mixed-flow lanes and two HOV lanes) that is aligned in a north-south orientation within the project vicinity. SR 87 begins at its interchange with SR 85 and extends northward, terminating at its junction with US 101. SR 87 provides access to US 101 and I-280/I-680. Access to the site to and from SR 87 is provided via interchanges at Julian Street/St. James Street and Santa Clara Street.

**Interstate 880** is a 6-lane freeway running north-west of downtown San José. South of San José it becomes SR 17. Access to the project site is provided via interchanges at Coleman Avenue and The Alameda.

**The Alameda (SR 82)** is an east-west, four-lane arterial that runs from Santa Clara University to the downtown area (Diridon Station) where it becomes Santa Clara Street. The Alameda provides access to and from the site via Stockton Avenue.

**Julian Street** is an east-west arterial that runs between The Alameda and US 101 and traverses the north edge of downtown San José. It provides access to the project site via its intersection with Stockton Avenue.

**Stockton Avenue** is a north-south two-lane street that extends between The Alameda and Emory Street. Direct access to the site is provided via a project driveway along Stockton Avenue.

#### *Existing Bicycle and Pedestrian Facilities*

Pedestrian facilities in the study area consist mostly of sidewalks along all of the surrounding streets. Crosswalks are located at all signalized intersections in the area and include pedestrian signal heads. Crosswalks are not provided on the south leg of the Stockton Avenue and Julian Street intersection. Several mid-block crosswalks also are provided along The Alameda. Overall the existing sidewalks have good connectivity and provide pedestrians with safe routes to the surrounding land uses in the area. The Guadalupe River multi-use trail system runs through the City of San José along the Guadalupe River and is shared between pedestrians and bicyclists and separated from motor vehicle traffic. The Guadalupe River trail is an 11-mile continuous Class I bikeway that runs from Curtner Avenue in the south to Alviso in the north. This trail system can be accessed via W. Julian Street and W. Santa Clara Street just  $\frac{1}{3}$  of a mile east of the project site.

The project site is not served directly by any Class II bicycle facilities (striped bike lanes). However, within the larger project area, the following roadways contain bike lanes:

- N. Almaden Boulevard, south of W. St. John Street
- San Fernando Street, between Cahill Street and Tenth Street
- Park Avenue, between Sunol Street and Montgomery Street
- Santa Clara Street, between Stockton Avenue and SR 87

The City of San José has developed a public Bike Share system that allows users to rent and return bicycles at various popular locations. Bike share stations currently exist on N. Autumn Avenue at W. Santa Clara Street and Cahill Street at San Fernando Street.

### *Existing Transit Services*

The Diridon Station, which is located approximately 0.25 mile from the project site, is a hub for nearly all major transit services. Connections between bus lines, light rail, and Caltrain are provided within the Diridon Station area. Existing transit services that serve the Diridon Station area are provided by the VTA, Caltrain, Altamont Commuter Express (ACE), and Amtrak.

The nearest bus stops to the project site are located near the intersection of Bush Street and The Alameda and are served by two bus routes. In addition, the Diridon station is served by seven bus routes and the DASH shuttle. The bus lines that operate within ¼ mile walking distance of the project site include lines 22, 23, 63, 64, 65, 68, 81, 168, 181, 323, 522, and the Highway 17 Express. Several of these lines operate within walking distance of the project site. The Diridon LRT Station is located 0.25 miles south of the project site.

The VTA also provides a shuttle service within the downtown area. The downtown area shuttle (DASH) provides shuttle service from the San José Diridon Caltrain station to San José State University, and the Paseo De San Antonio and Convention Center LRT stations via San Fernando and San Carlos Streets.

The VTA currently operates the 42.2-mile VTA light rail line system extending from south San José through downtown to the northern areas of San José, Santa Clara, Milpitas, Mountain View and Sunnyvale. The service operates nearly 24-hours a day with 15-minute headways during much of the day. The Mountain View–Winchester and Alum Rock–Santa Teresa LRT lines operate within walking distance of the project site. The Diridon LRT Station is located 0.25 miles south of the project site along Laurel Grove Lane. The Caltrain Service Commuter rail service between San Francisco and Gilroy is provided by Caltrain, which currently operates 92 weekday trains. Caltrain provides passenger train service seven days a week, and provides extended service to Morgan Hill and Gilroy during commute hours.

**Altamont Commuter Express Service.** The Altamont Commuter Express (ACE) provides commuter passenger train service across the Altamont between Stockton and San José during the weekdays. ACE stops at the San José Diridon station four times during both the morning and evening commute hours.

**Amtrak Service.** Amtrak provides daily commuter passenger train service along the 170-mile Capitol Corridor between the Sacramento region and the Bay Area, with stops in San José, Santa Clara, Fremont, Hayward, Oakland, Emeryville, Berkeley, Richmond, Martinez, Suisun City, Davis, Sacramento, Roseville, Rocklin, and Auburn. The Capitol Corridor trains stop at the San José Diridon station eight times during the weekdays between approximately 7:38 AM and 11:55 PM in the westbound direction. In

the eastbound direction, Amtrak stops at the Diridon station seven times during the weekdays between 6:40 AM and 7:15 PM.

## **Regulatory Background**

The City of San José's Council Policy 5-3 "Transportation Level of Service" acts as a guide to analyze and make determinations regarding the overall conformance of a proposed development with the City's various General Plan multi-modal transportation policies, which together seek to provide a safe, efficient, and environmentally sensitive transportation system for the movement of people and goods. It also establishes a threshold to determine environmental impacts and requires new developments to mitigate significant impacts.

## **Transportation Impacts Analyzed in the Downtown Strategy Plan and DSAP FEIRs**

A traffic analysis prepared for the Downtown Strategy 2000 EIR evaluated level of service impacts at 164 intersections and 23 freeway segments. The Downtown Strategy 2000 Plan FEIR found that significant traffic impacts would occur at various intersections and freeway segments. At some locations, these significant impacts were determined to be unavoidable and the City Council adopted a statement of overriding considerations for these impacts. The City's General Plan exempts intersections located within the Downtown Core from adherence to the City's Level of Service Policy (City Council Policy 5-3) and traffic impact analysis, since high traffic volumes and impacts are considered acceptable given the location of downtown as a transit hub for the County and a center for financial, business, institutional, and cultural activities.

The DSAP FEIR found that build-out of the DSAP would not result in a significant impact to intersection operations or conflict with adopted policies or plans regarding public transit, bicycle, or pedestrian facilities. However, when compared to existing conditions, build-out of the DSAP would result in significant traffic impacts on the following facilities: 1) 15 directional mixed flow freeway segments and four directional HOV lane freeway segments during at least one peak hour; 2) the intersections of The Alameda/Naglee Avenue and Park Avenue/Naglee Avenue under Strategy 2000 plus build-out conditions; 3) mixed flow lanes of one additional freeway segment under Strategy 2000 plus build-out conditions; 4) substantial cumulative impacts at the intersections of Park Avenue/Naglee Avenue, The Alameda/Naglee Avenue, and Lincoln Avenue/San Carlos Street; and 5) substantial contribution to significant impacts on transit priority corridors. The FEIR concluded that although General Plan policies, DSAP strategies, and planned BRT improvements are intended to reduce traffic congestion and improve transit efficiency, these measures may not reduce the cumulative impact or the DSAP's contribution to a less than significant level.

## Impacts and Mitigation

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Approved Project	Less Impact Than Approved Project	Source(s)
16. TRANSPORTATION/TRAFFIC. Would the project:						
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X		1, 2, 10
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X		10
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X		1, 2, 10
d) Substantially increase hazards due to a design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)?				X		1, 2
e) Result in inadequate emergency access?				X		1, 2
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X		1, 2, 10

### Explanation

- a) **Same Impact as Approved Project.** The project would increase traffic to/from the site. Increased traffic associated with downtown redevelopment, including commercial and residential development, was anticipated in the Downtown Strategy Plan and Diridon Station Area Plan. The City's General Plan exempts intersections located within the Downtown Core from adherence to the City's level of service policy and traffic impact analysis, since high traffic volumes and impacts are considered acceptable given the location of downtown as a transit hub for the County and a center for financial, business, institutional, and cultural activities.

An operational traffic study was prepared for the project (Hexagon, July 2015) and is contained in Appendix E. The results of this study are summarized below. The trips generated by the project were based on generation rates contained in the San José TIA Handbook, (August 2009). Trip reductions associated with the project site's proximity to transit and the proposed mix of land uses were applied. The trip generation estimates for the proposed project are shown in Table 9.

After applying the appropriate trip generation rates and trip reductions, the project is projected to generate 104 new trips during the AM peak hour and 148 new trips during the PM peak hour. Using the recommended inbound/outbound splits, the project would produce 49 inbound and 55 outbound trips during the AM peak, and 90 inbound and 58 outbound trips during the PM peak. The project site is located within a designated Urban Village. The Urban Village designation is characterized by mixed land uses and high rise buildings that create opportunities for multi-modal travel and strong transit demand.

The project's close proximity to major transit services at Diridon Station (¼ mile from the project site) and improved pedestrian and bicycle facilities along The Alameda will provide for and encourage the use of multi-modal travel options and reduce the use of single-occupant automobile travel. Therefore, the estimates of trips to be generated by the proposed project as presented and evaluated within this study may represent an over-estimation of traffic and impacts associated with the proposed project. It is expected that the auto trips ultimately generated by the project will be less and the identified operational issues reduced as development and the planned enhancement of the multi-modal transportation system progresses within the downtown area.

The trip distribution pattern for the project was based on previous traffic studies prepared for similar projects in downtown San José. The project trips were assigned to the roadway network based on the proposed project driveway location, existing travel patterns in the area, freeway access, and the relative locations of complementary land uses.

#### *Summary of Operations Analysis*

The project's close proximity to major transit services and improved pedestrian and bicycle facilities along The Alameda will provide for and encourage the use of multi-modal travel options and reduce the use of single-occupant automobile travel. It is expected that the auto trips ultimately generated by the project will be less than those estimated within this study and the identified operational deficiencies (queues at intersections) reduced as development and the planned enhancement of the multi-modal transportation system progresses within the downtown area.

**Table 9  
Project Trip Generation Estimates**

				AM Peak Hour						PM Peak Hour					
				Pk-Hr Factor	Splits		Trips			Pk-Hr Factor	Splits		Trips		
Land Use	Size	Daily Trip Rate	Daily Trips		In	Out	In	Out	Total		In	Out	In	Out	Total
Proposed Land Uses															
Residential															
Apartments	164 units	6.0	984	10.0%	35%	65%	34	64	98	10.0%	65%	35%	64	34	98
Internalization Reduction (25%)							-3	-8	-11				-17	-17	-34
Housing Near LRT or Caltrain Station (9%) <sup>a</sup>			-89				-3	-6	-9				-6	-3	-9
Sub-Total Residential			895				28	50	78				41	14	55
Retail															
Retail	37,500 Sq Ft	40.0	1,500	3.0%	70%	30%	32	14	45	9.0%	50%	50%	68	67	135
Internalization Reduction (25%)			-375				-8	-3	-11				-17	-17	-34
Sub-Total Retail			1,125				24	11	34				51	50	101
Gross Project Trips			2,020				51	61	112				92	64	156
Existing Driveway Count <sup>b</sup>							-2	-6	-8				-2	-6	-8
Net Project Trips							49	55	104				90	58	148
Source: Based on “Apartments” rates contained in the San José TIA Handbook, August 2009.															
<sup>a</sup> Based on transit trip reduction as recommended by VTA TIA Guidelines (adopted March 2014).															
<sup>b</sup> Based on peak-hour driveway counts, conducted on Tuesday June 9, 2015.															

A queuing analysis was performed for the intersections of Stockton Avenue/The Alameda and Stockton Avenue/Julian Street. This results indicate that the southbound left-turn and eastbound left-turn movements at Stockton Avenue/The Alameda as well as the westbound left-turn movement at Stockton Avenue/Julian Street do not currently have adequate queue storage capacity to serve the existing queue lengths during the peak hours. The addition of project traffic would increase the projected maximum queue lengths by at most two vehicles. The extension of turn-pockets to accommodate the projected queues at the Stockton Avenue/The Alameda intersection would require the removal of recently completed median improvements along The Alameda, including the removal of at least one mid-block crosswalk, and removal of recently implemented on-street parking along Stockton Avenue. The removal and/or alteration of improvements intended to encourage the use of multi-modal travel to accommodate vehicular demand is not consistent with City policy or General Plan goals. Therefore, the extension of turn-pockets at the intersection was not recommended. Extension of the westbound left-turn pocket at the Stockton Avenue and Julian Street intersection is not feasible due to inadequate right-of-way and the location of the rail line undercrossing.

The traffic analysis concluded that overall the site plan shows adequate site access and on-site circulation. The traffic analysis did make the following recommendations for improving site access:

- Provide appropriate visible and/or audible warning signals at the project driveway to alert pedestrians and bicyclists of vehicles exiting the garage.
- In order to guarantee effective use of the tandem parking spaces and circulation with the parking garage, restrict garage use to residents only with assigned parking.
- The project applicant should coordinate with City staff to determine the parking stall dimensions and drive aisle widths that will be necessary to serve the project.
- Provide bicycle parking spaces per the City of San José Downtown Zoning Regulations.
- The project frontage improvements on Stockton Avenue should be designed to be consistent with City Roadway Design Standards. New sidewalks should be installed along the project frontage on Stockton Avenue in order to provide pedestrian connections between proposed and existing pedestrian facilities and enhance pedestrian circulation within the project area. The project frontage improvements should be designed with the potential future implementation of bike lanes along Stockton Avenue in mind.
- The City of San José should consider adding standard loading zones on Stockton Avenue adjacent for general deliveries, such as FedEx or UPS trucks.

In summary, the project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

- b) **Same Impact as Approved Project.** The project would not conflict with an applicable with an applicable congestion management program, including level of service standards and travel

demand measures, or other standards established by the county congestion management agency for designated roads or highways. See a) above.

- c) **Same Impact as Approved Project.** The project will not result in any changes to air traffic patterns. See discussion in the Hazards and Hazardous Materials Chapter regarding project compliance with FAA review requirements.
- d) **Same Impact as Approved Project.** The proposed project will not substantially increase hazards due to a design feature or incompatible uses since it does not propose any roadway modifications. Refer also to a) above.
- e) **Same Impact as Approved Project.** The proposed project will not result in inadequate emergency access since it will comply with all Police and Fire Department codes and regulations.
- f) **Same Impact as Approved Project.** The project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The project is proposed in an area near public transit and downtown amenities, which will serve to enhance use of alternative modes of transportation including transit, bike, and pedestrian facilities.

### **Transportation Chapter Conclusion**

A traffic analysis was prepared for the Downtown Strategy Plan that evaluated level of service impacts at 164 intersections and 23 freeway segments. The Downtown Strategy Plan FEIR found that significant traffic impacts would occur at various intersections and freeway segments. At some locations, these significant impacts were determined to be unavoidable and the City Council adopted a statement of overriding considerations for these impacts. The City's General Plan exempts intersections located within the Downtown Core from adherence to the City's Level of Service Policy (City Council Policy 5-3) and traffic impact analysis.

The DSAP FEIR indicated that build-out of the DSAP would not result in a significant impact to intersection operations or conflict with adopted policies or plans regarding public transit, bicycle, or pedestrian facilities. However, when compared to existing conditions, build-out of the DSAP would result in significant project and cumulative traffic impacts on several facilities (see discussion in above setting). Although General Plan policies, DSAP strategies, and planned BART improvements are intended to reduce traffic congestion and improve transit efficiency, these measures may not reduce the cumulative impact or the DSAP's contribution to a less-than-significant level. These impacts were deemed unavoidable and the City Council adopted a statement of overriding consideration for the impact.

Based on the above analysis, the project will not result in new or more significant impacts to transportation facilities than those identified in the Downtown Plan and DSAP FEIRs.

## **Q. UTILITIES AND SERVICE SYSTEMS**

### **Setting**

- Utilities and services are furnished to the project site by the following providers:
- Wastewater Treatment: treatment and disposal provided by the San José/Santa Clara Water Pollution Control Plant (WPCP); sanitary sewer lines maintained by the City of San José
- Water Service: San José Water Company

- Storm Drainage: City of San José
- Solid Waste: Various
- Natural Gas & Electricity: PG&E

### **Utility Impacts Analyzed in the Downtown Strategy and DSAP FEIRs**

The Downtown Strategy Plan FEIR identified potential impacts from 1) the increase in water demand for potentially resulting in the need for new or expanded water entitlements and 2) the increase in wastewater sent to the Water Pollution Control Plant (now Regional Wastewater Facility) that could exceed the Regional Water Quality Control Board's limit. Mitigation for these impacts was identified in the FEIR, requiring that all new residential and commercial development incorporate water-conservation measures and green building policies, subject to City review.

The DSAP FEIR found that future development would not result in a significant impact due to increased demand for water or the need for additional wastewater treatment facilities or solid waste services. The DSAP FEIR concluded that with implementation of General Plan policies and existing regulations, the combined increase in demand for utilities and service systems resulting from future development under the DSAP and planned development and improvements in the plan area would not result in a significant cumulative impact related to any utility or service systems.

### **Impacts and Mitigation**

#### ***Thresholds per CEQA Checklist***

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Approved Project	Less Impact Than Approved Project	Source(s)
17. UTILITIES AND SERVICE SYSTEMS. Would the project:						
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X		1
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X		1
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X		1
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X		1
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X		1
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X		1

ENVIRONMENTAL IMPACTS		New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Approved Project	Less Impact Than Approved Project	Source(s)
g)	Comply with federal, state, and local statutes and regulations related to solid waste?				X		1

### Explanation

- a) **Same Impact as Approved Project.** The proposed project will not exceed or impact wastewater treatment requirements of the applicable Regional Water Quality Control Board since it will generate only an incremental increase in wastewater. See also e) below.
- b) **Same Impact as Approved Project.** The development of the proposed mixed use development would incrementally increase water demands and wastewater generation; however, this increase would not require or result in the construction of new water or wastewater treatment facilities or any expansion of existing facilities.
- c) **Same Impact as Approved Project.** The project proposes to connect to the City's existing storm drainage system and is not expected to contribute runoff that will exceed the capacity of existing or planned storm water drainage systems. A storm water control plan will be developed and implemented as part of the proposed project to manage storm water drainage (refer to Figure 8).
- d) **Same Impact as Approved Project.** See b) above. Sufficient water supplies are available to serve the project from existing entitlements and resources.
- e) **Same Impact as Approved Project.** The wastewater treatment provider has adequate capacity to serve the project's anticipated incremental demands.
- f), g) **Same Impact as Approved Project.** The project will not generate substantial solid waste compared to existing conditions that would adversely affect any landfills.

### Utilities and Services Chapter Conclusion

The Downtown Strategy Plan FEIR identified potential impacts from increases in water demand and increased demands on wastewater demand that could exceed the Regional Water Quality Control Board's limit at the Regional Wastewater Facility. Mitigation for these impacts was identified in the FEIR, requiring that all new residential and commercial development incorporate water-conservation measures and green building policies, subject to City review.

The DSAP FEIR concluded that with implementation of General Plan policies and existing regulations, the combined increase in demand for utilities and service systems resulting from future development under the DSAP and planned development and improvements in the Plan area would not result in a significant cumulative impact related to any utility or service systems.

The project will not result in new or more significant impacts on utilities than those identified in the Downtown Strategy Plan and DSAP FEIRs.

## R. MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Approved Project	Less Impact Than Approved Project	Source(s)
18. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:						
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X		1, 2
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.				X		1, 2
c) Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?				X		1

### Explanation

- a) **Same Impact as Approved Project.** Based on the analysis provided in this addendum, the proposed project will not substantially degrade or reduce wildlife species or habitat, or impact historic or other cultural resources with the incorporation of Standard Permit Conditions consistent with mitigation measures identified the Downtown Strategy Plan and DSAP FEIRs, as identified within this analysis.
- b) **Same Impact as Approved Project.** Based on the analysis provided in this addendum, the proposed project will not significantly contribute to cumulative impacts that are not addressed and mitigated within the Downtown Strategy Plan and DSAP FEIRs.
- c) **Same Impact as Approved Project.** Based on the analysis provided in this addendum, the proposed project will not result in environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly, since it is consistent with the Downtown Strategy Plan and DSAP FEIRs.

## **SUMMARY OF CONCLUSIONS PER CEQA GUIDELINES SECTIONS 15162 AND 15164**

The proposed project is eligible for an addendum pursuant to CEQA Guidelines §15164, which states that “A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines §15162 which call for the preparation of a subsequent EIR have occurred.” Circumstances that would warrant a subsequent EIR include substantial changes in the project or new information of substantial importance that would require major revisions of the previous EIR due to the occurrence of new significant impacts and/or a substantial increase in the severity of previously identified significant effects.

As described in this addendum, the proposed mixed use development would not result in new or more significant environmental impacts than those identified in the Downtown Strategy Plan and DSAP FEIRs. The project would not result in significant environmental effects or increase the severity of environmental impacts beyond those already identified in these FEIRs. Since certification of the Downtown Strategy 2000 FEIR and DSAP FEIR, conditions in the downtown area have not changed such that implementation of the project would result in new significant environmental effects or substantially increase the severity of environmental effects already identified in the FEIR. For these reasons, a supplemental or subsequent FEIR is not required and an addendum to the Downtown Strategy and DSAP FEIRs has been prepared for the proposed project.

In summary, no new information of substantial importance has been identified in regard to the project or the project site such that the proposed development would result in: 1) significant environmental effects not identified in the FEIRs, or 2) more severe environmental effects than shown in the FEIRs, or 3) require mitigation measures that were previously determined not to be feasible or mitigation measures that are considerably different from those recommended in the two FEIRs. This addendum will not be circulated for public review, but will be attached to the Downtown Strategy and DSAP FEIRs pursuant to CEQA Guidelines §15164(c).

## **Chapter 4. References**

### **LEAD AGENCY**

#### **City of San José Department of Planning, Building and Code Enforcement**

Harry Freitas, Director

Jason Rogers, Division Manager

David Keyon, Environmental Review Planner

### **REPORT PREPARATION**

#### **Denise Duffy & Associates, Inc.**

##### **Environmental Consultant**

Leianne Humble, Senior Planner

Matthew Kawashima, Assistant Planner

Robyn Simpson, Administration

### **PERSONS CONTACTED**

Gregory Darwin, Atmospheric Dynamics

Daniel Hudson, The Hudson Companies

Jared McDaniel, Illingworth & Rodkin

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## **CHECKLIST SOURCES**

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